

FILED
Court of Appeals
Division II
State of Washington
4/9/2018 1:48 PM

Court of Appeals No. _____

*In the Court of Appeals of the State of Washington
Division Two*

In Re the Personal Restraint of:

ANTON D. ROBINSON,

Petitioner.

**PERSONAL RESTRAINT PETITION WITH LEGAL ARGUMENT
AND AUTHORITIES**

Kitsap County Superior Court Nos. 97-1-01131-9 and 97-1-00661-7

Corey Evan Parker
WSBA No. 40006
Attorney for Petitioner
1275 12th Ave NW, Suite 1B
Issaquah, Washington 98027
Ph: 425-221-2195
Fax: 1-877-802-8580
corey@coreyevanparkerlaw.com

TABLE OF CONTENTS

I. STATUS OF PETITIONER.....	1
II. GROUNDS FOR RELIEF	1
III. STATEMENT OF THE CASE	2
IV. STANDARDS OF REVIEW	8
A. STANDARD GOVERNING PRPs.....	8
B. STANDARD GOVERNING SENTENCING ERROR.....	10
V. ARGUMENTS AND AUTHORITY	11
A. MR. ROBINSON IS ENTITLED TO BE RESENTENCED IN ACCORDANCE WITH CHANGES IN WASHINGTON LAW.....	11
1. The sentencing courts abused their discretion in failing to meaningfully consider Mr. Robinson’s youth when imposing his sentences.....	13
2. Mr. Robinson’s sentence constitutes cruel and unusual punishment in light of the sentencing court’s failure to consider concurrent imposition of the firearm enhancements.	18
B. THIS PETITION IS TIMELY BECAUSE THE CASES RELIED UPON HEREIN CONSTITUTE SIGNIFICANT, MATERIAL CHANGES IN LAW THAT APPLY RETROACTIVELY.....	20
V. CONCLUSION	25

TABLE OF AUTHORITIES

Cases

<u>Graham v. Florida</u> , 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010)	15
<u>Hews v. Evans</u> , 99 Wn.2d 80, 660 P.2d 263 (1983)	10
<u>In re Cashaw</u> , 123 Wash.2d 138, 866 P.2d 8 (1994)	9
<u>In re Lopez</u> , 126 Wn. App. 891, 110 P.3d 764 (2005).....	9
<u>In re Monschke</u> , 160 Wn. App. 479, 251 P.3d 884 (2010).....	8, 10
<u>In re Pers. Restraint of Davis</u> , 152 Wash.2d 647, 672, 101 P.3d 1 (2004) .	9
<u>In re Pers. Restraint of Gentry</u> , 170 Wash.2d 711, 714-15, 245 P.3d 766 (2010)	9
<u>In re Pers. Restraint of Goodwin</u> , 146 Wn.2d 861, 873-74, 50 P.3d 618 (2002)	10
<u>In re Pers. Restraint of Johnson</u> , 131 Wn.2d 558, 568, 933 P.2d 1019 (1997)	22
<u>In re Pers. Restraint of Light-Roth</u> , 200 Wash. App. 149, 401 P.3d 459 (2017)	passim
<u>In re Pers. Restraint of Rowland</u> , 149 Wn. App. 496, 204 P.3d 953 (2009)	12
<u>In re Pers. Restraint of West</u> , 154 Wn.2d 204, 213-14, 110 P.3d 1122 (2005)	10
<u>In re Pers. Restraint of Wolf</u> , 196 Wash. App. 496, 384 P.3d 591 (2016) 14	
<u>In re Pierce</u> , 173 Wn.2d 372, 377, 268 P.3d 907, 909 (2011)	9
<u>In re the Post Sentencing Review of Charles</u> , 135 Wn.2d 239, 955 P.2d 798 (1998)	7

TABLE OF AUTHORITIES

Cases (Cont'd)

<u>In re Turner</u> , 74 Wn. App. 596, 875 P.2d 1219 (1994).....	9
<u>In re Yates</u> , 177 Wn.2d 1, 296 P.3d 872 (2013)	10
<u>Matter of Cook</u> , 114 Wn.2d 802, 812, 792 P.2d 506, 511 (1990)	9
<u>Miller v. Alabama</u> , 567 U.S. 460, 132 S. Ct. 2455 (2012)	15
<u>Roper v. Simmons</u> , 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005)	16
<u>State v. Brown</u> , 139 Wash. 2d 20, 983 P.2d 608 (1999).....	24
<u>State v. Bunker</u> , 144 Wn. App. 407, 183 P.3d 1086 (2008), aff'd, 169 Wn.2d 571, 238 P.3d 487 (2010)	12
<u>State v. Fort</u> , 190 Wash. App. 202, 231, 360 P.3d 820 (2015)	21
<u>State v. Garcia-Martinez</u> , 88 Wn. App. 322, 944 P.2d 1104 (1997).....	12
<u>State v. Gomez-Cervantes</u> , 169 Wn. App. 428, 282 P.3d 98 (2012)	21
<u>State v. Grayson</u> , 154 Wn.2d 333, 111 P.3d 1183 (2005)	17
<u>State v. Ha'mim</u> , 132 Wn.2d 834, 940 P.2d 633 (1997)	passim
<u>State v. Houston-Sconiers</u> , 188 Wn.2d 1, 391 P.3d 409 (2017)	passim
<u>State v. Law</u> , 154 Wn.2d 85, 110 P.3d 717 (2005).....	21
<u>State v. McFarland</u> , 189 Wn.2d 47, 399 P.3d 1106 (2017)	7
<u>State v. Murray</u> , 118 Wn. App. 518, 77 P.3d 1188 (2003).....	10
<u>State v. O'Dell</u> , 183 Wn.2d 680 358 P.3d 359 (2015)	passim

TABLE OF AUTHORITIES

Statutes

RCW 10.73.090	20
RCW 10.73.100	20, 21, 23, 25

Rules

RAP 16.11	10
RAP 16.4	1, 8, 9
RAP 16.7	10

Constitutional Provisions

U.S. Const. Amend. VIII	11, 15, 19, 20
Wash. Const. Art. I, § 14	20

I. STATUS OF PETITIONER

Anton D. Robinson (“Mr. Robinson”), currently in the custody of the Department of Corrections, is serving a sentence of 65 months for a conviction of assault in the second degree in Kitsap County cause no. 97-1-01131-9 and 245 months for convictions of rape in the first degree, rape in the second degree, and robbery in the first degree, each with firearm enhancements, in 97-1-00661-7, for a total sentence of 310 months.

II. GROUNDS FOR RELIEF

Mr. Robinson’s continued restraint is unlawful because his sentence violates the Constitutions of the United States and Washington and the laws of the State of Washington. RAP 16.4(c)(2). This petition is timely and relief is warranted because there have been significant changes in the substantive law which are material to Mr. Robinson’s sentence and sufficient reasons exist to require retroactive application of the changed legal standards.

Specifically, Mr. Robinson raises the following legal claims:

GROUND ONE: Mr. Robinson’s sentence is unlawful and unconstitutional because the sentencing courts failed to consider Mr. Robinson’s youth as a mitigating factor. Following Mr. Robinson’s sentencing, the Supreme Court and Courts of Appeals of Washington entered multiple opinions holding that youth must be considered as a mitigating factor under Washington’s Sentencing Reform Act of 1981 (“SRA”). Based on this change in the law, Mr. Robinson was wrongfully

deprived of the trial courts' meaningful consideration of his youth as a mitigating factor at sentencing. Justice therefore requires that he be resentenced pursuant to the current state of the law.

GROUND TWO: Mr. Robinson's sentence violates the Washington and federal constitutional prohibitions against cruel and unusual punishment because the sentencing court in cause no. 97-1-00661-7 believed at the time of sentencing that it lacked discretion to impose the firearm enhancements concurrently to the base sentence. Following Mr. Robinson's sentencing, the Supreme Court of Washington established that the prohibition against cruel and unusual punishment is violated when a sentencing court is denied discretion to impose weapon enhancements concurrently to the base sentence when sentencing juvenile offenders such as Mr. Robinson. Justice therefore requires that Mr. Robinson be resentenced to remedy the constitutional violation.

III. STATEMENT OF THE CASE

Mr. Robinson had an extensive history of mental illness and involvement with the law over the course of his brief life prior to the lengthy period of incarceration he is currently serving. *See Appendix, Attachment "A," Defendant's Pre-Sentence Memorandum; Attachment "B," Defendant's Psychiatric Records (under seal); Attachment "C," Judgment and Sentence in Cause No. 97-1-00661-7; Attachment "D," Judgment and Sentence in Cause No. 97-1-01131-9.* Mr. Robinson became involved with the criminal justice system at a very young age, receiving two juvenile felony convictions at the age of 15. *App. Attach. C at 1; Attach. D at 1.* These convictions led to Mr. Robinson being placed in the custody of Maple Lane School, a youth detention facility, where he

was held in custody until shortly before the commission of the crimes at issue in this Petition. *App. Attach. A; Attach B.*

Mr. Robinson's psychiatric records from his stay at Maple Lane School reveal a sorrowful portrait of a teenager utterly overcome by powerful emotions. *App. Attach. B.* His records begin with the observation that Mr. Robinson had been "suffering from extreme mood swings and explosive behavior, poor relationships, some confusion and even bizarre beliefs." *Id. at 1.* These types of psychological issues ran in his family tree, as his father required medication to stabilize his violent mood swings and depression, and his father's father died in a psychiatric hospital, prompting one psychiatrist to note "we are certainly dealing with a biological problem underneath his conduct." *Id. at 1, 13.* While at Maple Lane School, Mr. Robinson was treated with a combination of drugs to stabilize his mood, and it was determined that the medications were necessary for him to function properly, as an attempt at reducing his dosage led to a resurgence of temper and mood problems. *Id. at 1-29.*

As his date of release from juvenile detention approached, Mr. Robinson exhibited signs of being fearful of reintegrating in the community and was placed on suicide watch. *Id. at 15-17.* Mr. Robinson stated that he feared that he would not be able to make it on the outside and that he would be shot by rival gang members upon being released. *Id.*

at 16. Mr. Robinson also reported having regular auditory hallucinations. *Id.* On June 13, 1997, only 13 days before his release, Mr. Robinson reported to a counselor in the middle of the night that there was a ghost in his room, and that it was causing the desk to sway. *Id. at 20-21.* Overall, Mr. Robinson's psychiatric records show that he made considerable progress in terms of managing his moods and emotions when given proper counseling and psychiatric medication. *Id. at 1-29.*

Predictably, Mr. Robinson did not last long as a free man without proper psychiatric treatment in place. Only 16 days after his release, Mr. Robinson participated in a horrific crime for which he was charged with one count of rape in the first degree and one count of rape in the second degree, followed by an armed robbery the following day. *See Appendix, Attachment "E," Amended Information in Cause No. 97-1-00661-7.* The evidence in the case indicates that, having left the psychiatric care he was receiving at Maple Lane School, Mr. Robinson fell immediately under the heavy influence of impulsiveness, drugs (the victim reported that he was extremely high during the offense and Mr. Robinson believes he was on LSD at the time), his own untreated mental illness, and peer pressure stemming from his involvement in a gang. *App. Attach. A; Attach. B.* It can reasonably be assumed from the evidence in the case that he ceased

taking his psychiatric medications and receiving counseling upon his release.

Despite the horrific nature of the crimes at issue, there is evidence in the record demonstrating that Mr. Robinson was a redeemable young man had he been consistently provided with the mental health treatment that he needed and the opportunity to mature. With respect to his robbery charge, the robbery victim made a taped statement in which he reported that Mr. Robinson told him “I don’t want to take all your stuff from you so I am going to try to get your stuff back.” *App. Attach. A at 2, 6*. Mr. Robinson in fact returned the victim’s wallet to the victim after the robbery. *Id.* Similarly, the rape victim gave a statement that, in the course of the rape offenses, Mr. Robinson intervened on one occasion to prevent his accomplice from physically injuring the victim. *Id. at 2, 7*.

On December 17, 1997, Mr. Robinson was sentenced in cause no. 97-1-00661-7, after having entered into a plea agreement and pled guilty. *App. Attach. C*. Based on his two prior juvenile felony convictions, Mr. Robinson had an offender score of 7 as to counts I and II, and 6 as to count III. *Id.* Based on these offender scores and the offenses charged, Mr. Robinson faced standard ranges of 159 to 211 months for count I, 108 to 144 months for count II, and 77 to 102 months for count III, plus 60 month firearm enhancements as to each count. *Id.*

In his sentencing memorandum, defense counsel advised the court that the firearm enhancements needed to be imposed consecutively to each other and to the base sentence, such that the total sentencing range was 339 to 391 months. *App. Attach. A at 1*. Mr. Robinson's Statement of Defendant on Plea of Guilty similarly included a provision stating: "I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement and they must run consecutively to any other sentence." *Appendix Attachment "F," Statement of Defendant on Plea of Guilty, at 3*.

The court apparently shared the belief that consecutive imposition of the firearm enhancements was mandatory, as indicated in its Judgment and Sentence, which set forth the total standard range as 339 to 391 months. *App. Attach. C at 2*. Ultimately, the court imposed a sentence of 185 months on count I, 126 months on count II, and 89.5 months on count III, all concurrent, plus consecutive imposition of the three 60 month firearm enhancements, for a total period of confinement of 365 months.¹

Id.

¹ Despite considerable efforts expended, the undersigned counsel has been unable to locate verbatim transcripts for the sentencing hearings. *See App. Attach. I, Declaration from Frank A. Maiocco Jr., Court Administrator, Kitsap County Superior Court*.

Following sentencing, however, on October 7, 1998,² the court entered an Order Amending Judgment and Sentence to comport with the Supreme Court of Washington's holding in In re the Post Sentencing Review of Charles, 135 Wn.2d 239, 955 P.2d 798 (1998), *superseded by statute as recognized in State v. McFarland*, 189 Wn.2d 47, 399 P.3d 1106 (2017), which held that firearm enhancements could be run concurrently to each other under the applicable statute at that time. ***Appendix***

Attachment "G," Statement of Defendant on Plea of Guilty.

Accordingly, Mr. Robinson's sentence was amended such that the 60 month firearm enhancement as to each count would run concurrently with each other, and consecutively to the high end of the SRA standard range.

Id. This amendment resulted in a total period of confinement of 245 months. ***Id.***

Following Mr. Robinson's incarceration, but before his sentencing, Mr. Robinson was charged with stabbing another Kitsap County inmate with a sharpened toothbrush, occurring on November 1, 1997, when Mr. Robinson was still 17 years old. ***Appendix Attachment "H," Information in Cause No. 97-1-01131-9.*** On January 29, 1998, Mr. Robinson accepted a plea agreement and entered a plea of guilty to the offense as charged.

² For reasons not clear from the record, nearly identical orders were entered on October 7, 1998 and June 8, 1999. Both are attached hereto.

App. Attach. D. Based on his convictions in cause no. 97-1-00661-7, combined with two prior juvenile convictions, Mr. Robinson received an offender score of 8, resulting in an SRA standard range of 53-70 months. **Id.** On February 2, 1998, cause no. 97-1-01131-9 proceeded to sentencing.³ **Id.** The sentencing court imposed a sentence of 65 months, which was to be consecutive to the sentence imposed in cause no. 97-1-00661-7. **Id. at 2.** Mr. Robinson was still 17 years old at the time of this sentencing.

By this Petition, Mr. Robinson seeks relief from the foregoing sentences, which are unlawful under current law which must be given retroactive effect.

IV. STANDARDS OF REVIEW

A. Standard Governing PRPs.

“A petitioner may request relief through a PRP when he is under an unlawful restraint.” In re Monschke, 160 Wn. App. 479, 488, 251 P.3d 884, 890 (2010) (citing RAP 16.4(a)-(c)). “Generally, in a PRP, the petitioner must demonstrate by a preponderance of the evidence that a constitutional error resulted in actual and substantial prejudice or a nonconstitutional error resulted in a complete miscarriage of justice.” Id.

³ As with the other cause number, despite considerable efforts expended, the undersigned counsel has been unable to locate verbatim transcripts for the sentencing hearing or any other proceedings in this matter.

(citing In re Pers. Restraint of Davis, 152 Wash.2d 647, 672, 101 P.3d 1 (2004)). “But when a petition ‘raises issues that were afforded no previous opportunity for judicial review, ... the petitioner need not make the threshold showing of actual prejudice or complete miscarriage of justice.’” In re Pierce, 173 Wn.2d 372, 377, 268 P.3d 907, 909 (2011) (quoting In re Pers. Restraint of Gentry, 170 Wash.2d 711, 714-15, 245 P.3d 766 (2010)). “It is enough if the petitioner can demonstrate unlawful restraint under RAP 16.4.” Id. (citing In re Pers. Restraint of Gentry, 170 Wash.2d at 715).

“‘Unlawful restraint’ includes restraint accomplished in violation of state laws or administrative regulations.” In re Turner, 74 Wn. App. 596, 598, 875 P.2d 1219, 1221 (1994) (citing In re Cashaw, 123 Wash.2d 138, 148-49, 866 P.2d 8 (1994) (internal citation omitted). “Under [RAP 16.4] rule, the inmate is entitled to relief if he can show that a decision ‘was imposed or entered in violation of the Constitution of the United States or the Constitution or laws of the State of Washington.’” In re Lopez, 126 Wn. App. 891, 894-95, 110 P.3d 764, 765-66 (2005) (quoting RAP 16.4(c)(2)). Additionally, “to receive collateral review of a conviction on nonconstitutional grounds, a petitioner must establish that the claimed error constitutes a fundamental defect which inherently results in a complete miscarriage of justice.” Matter of Cook, 114 Wn.2d 802,

812, 792 P.2d 506, 511 (1990). However, “[t]he petitioner must support the petition with facts or evidence and may not rely solely on conclusory allegations.” In re Monschke, 160 Wn. App. at 488 (citing RAP 16.7(a)(2)(i)). “[A] hearing is appropriate where the petitioner makes the required prima facie showing ‘but the merits of the contentions cannot be determined solely on the record.’” In re Yates, 177 Wn.2d 1, 18, 296 P.3d 872, 880-81 (2013) (quoting Hews v. Evans, 99 Wn.2d 80, 88, 660 P.2d 263, 268 (1983) and citing RAP 16.11(b)). “Granting the petition is appropriate if the petitioner has proved actual prejudice or a fundamental defect resulting in a complete miscarriage of justice.” In re Yates, 177 Wn.2d 1 at 18.

B. Standard Governing Sentencing Error.

Appellate courts review de novo a sentencing error constituting an illegal sentence. State v. Murray, 118 Wn. App. 518, 521, 77 P.3d 1188 (2003). Sentencing errors are evaluated based on the principles that: (1) a sentence in excess of statutory authority is subject to collateral attack, and (2) a defendant cannot agree to a punishment in excess of statutory authority. In re Pers. Restraint of Goodwin, 146 Wn.2d 861, 873-74, 50 P.3d 618 (2002). In pleading guilty, defendants do not waive their rights to challenge the sentence on grounds of legal error. In re Pers. Restraint of West, 154 Wn.2d 204, 213-14, 110 P.3d 1122 (2005).

V. ARGUMENTS AND AUTHORITY

A. Mr. Robinson is Entitled to be Resentenced in Accordance with Changes in Washington Law.

Following Mr. Robinson’s sentence, the Washington Supreme Court, following the lead of the U.S. Supreme Court, declared “[t]he Eighth Amendment to the United States Constitution compels us to recognize that children are different.” State v. Houston-Sconiers, 188 Wn.2d 1, 18, 391 P.3d 409 (2017) (citations omitted). Applying this principle, the Court found that the “mandatory nature” of the SRA weapon enhancement penalties “violates the Eighth Amendment when applied to youths” in Houston-Sconiers 188 Wash. 2d at 24, and that youth must be taken into consideration as a factor justifying exceptional sentences downward, even for adults, in State v. O’Dell, 183 Wn.2d 680, 693, 358 P.3d 359 (2015).

Following these decisions, Division I of the Court of Appeals held that a personal restraint petitioner sentenced prior to O’Dell “deserves an opportunity to have a sentencing court meaningfully consider whether his youthfulness justifies an exceptional sentence below the standard range.” In re Pers. Restraint of Light-Roth, 200 Wash. App. 149, 152, 401 P.3d 459 (2017). The reasons for this holding apply with equal force as to petitioners sentenced prior to, and in contravention of, Houston-Sconiers.

By failing to recognize that they had discretion to impose lesser sentences in both cause nos. 97-1-01131-9 and 97-1-00661-7, and in failing to recognize discretion to impose the weapon enhancements concurrently to the base sentence in cause no. 97-1-01131-9, due to the mitigating factor of Mr. Robinson's youth, the sentencing courts in Mr. Robinson's cases violated the principles announced in Washington's recent jurisprudence. The courts' failures to exercise their discretion on these issues has resulted in a "fundamental defect" in Mr. Robinson's sentence "that inherently results in a miscarriage of justice." In re Pers. Restraint of Light-Roth, 200 Wash. App. at 165 (quoting In re Pers. Restraint of Rowland, 149 Wn. App. 496, 507-08, 204 P.3d 953 (2009)). See State v. Bunker, 144 Wn. App. 407, 421, 183 P.3d 1086 (2008), aff'd, 169 Wn.2d 571, 238 P.3d 487 (2010) ("A trial court's erroneous belief that it lacks the discretion to depart downward from the standard sentencing range is itself an abuse of discretion" (citing State v. Garcia-Martinez, 88 Wn. App. 322, 329-30, 944 P.2d 1104 (1997))). Further, the failure to acknowledge discretion as to these issues not only constituted an abuse of discretion, but also violated Mr. Robinson's constitutional rights. Thus, this Petition should be granted and the matter should be remanded to resentence Mr. Robinson in accordance with current law.

1. The sentencing courts abused their discretion in failing to meaningfully consider Mr. Robinson's youth when imposing his sentences.

The trial courts in both cause nos. 97-1-01131-9 and 97-1-00661-7 caused a miscarriage of justice in failing to consider that Mr. Robinson was only 17 years old and was dramatically hindered in his emotional and intellectual development due to the severe mental illness with which he struggled throughout his life. *See App. Attach. A; Attach. B.* After Mr. Robinson's sentences were imposed, the Supreme Court held, for the first time, that Washington law requires consideration of youth as a mitigating factor potentially justifying downward departures from standard sentencing ranges established by the SRA. O'Dell, 183 Wn.2d at 693.

The courts failed to meaningfully consider Mr. Robinson's youth and immaturity, and, in light of O'Dell, it is apparent that the courts caused a miscarriage of justice by imposing consecutive sentences of 245 and 65 months despite Mr. Robinson having been only 17 years old at the time of the offenses.⁴ Mr. Robinson is therefore entitled to be resentenced consistent with the decision in O'Dell.

⁴ Even though Mr. Robinson's counsel failed to seek a reduced sentence based on youth, Mr. Robinson's reliance on O'Dell is nonetheless proper because he was deprived of the ability to directly cite youth as a mitigating factor under then-existing law. *See In re Pers. Restraint of Light-Roth*, 200 Wn. App. at 161 ("It is unreasonable to hold that a case announced a significant change because it made a new argument available to a

Prior to O'Dell, in State v. Ha'mim, 132 Wn.2d 834, 940 P.2d 633 (1997), decided just months before Mr. Robinson's sentencing, a defendant pled guilty to first degree robbery with a deadly weapon and asserted that her age justified a downward departure from the SRA standard range. Id. at 837. At sentencing, the court accepted her argument and imposed such a sentence. Id. at 838. The State appealed the exceptional sentence, and the Court of Appeals reversed, holding that the defendant's youth did not justify the exceptional sentence. Id.

The Supreme Court upheld the reversal, concluding that "the age of the defendant does not relate to the crime or the previous record of the defendant," and thus does not justify a downward departure under RCW 9.94A.340, which states "the sentencing guidelines . . . apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the defendant." Id. at 847. The Court thus held the defendant's "age is not alone a

defendant, and then hold that the change is not material because the defendant did not make that argument"). This Court's decision in In re Pers. Restraint of Wolf, 196 Wash. App. 496, 508, 384 P.3d 591, 598 (2016), does not alter this analysis because that case addressed a situation where the defendant received a favorable special sex offender sentencing alternative (SSOSA) sentence, and could not establish facts that would suggest he would have received a more favorable sentence under O'Dell.

substantial and compelling reason to impose an exceptional sentence.”⁵

Id.

In O'Dell, the Supreme Court rejected the “sweeping conclusion” in Ha'mim that “[t]he age of the defendant *does not relate to the crime* or the previous record of the defendant.” Id. at 695. (emphasis in original) (quoting Ha'mim, 132 Wn.2d at 847). Instead, the Court held that youth may justify a downward departure from the SRA so long as there is evidence “that youth in fact diminished a defendant's culpability.” O'Dell, 183 Wn.2d at 689. This change in thinking was effectuated by recent U.S. Supreme Court opinions relying on psychological studies regarding “adolescents' cognitive and emotional development,” that have established “a clear connection between youth and decreased moral culpability for criminal conduct.” Id. at 695 (citing Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455 (2012) (mandatory life sentences without parole violate the Eighth Amendment when applied to juveniles); Graham v. Florida, 560 U.S. 48, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010) (prohibiting sentences of life without parole for juveniles convicted of crimes other than

⁵ The Court did note, however, that age “could be relevant” to the statutory mitigating factor that the defendant's capacity to appreciate the wrongfulness of her conduct or conform her behavior to the law was impaired. Ha'mim, 132 Wn.2d at 846. Nonetheless, the court found such an argument unavailing because the trial court had made “no such finding.” Id.

homicide); Roper v. Simmons, 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (2005) (juveniles may not be sentenced to death because of their immaturity and heightened capacity for reform)). The Court further noted that these studies “reveal fundamental differences between adolescent and mature brains in the areas of risk and consequence assessment, impulse control, tendency toward antisocial behaviors, and susceptibility to peer pressure.” O'Dell, 183 Wn.2d at 692 (footnotes omitted).

The Court then held that, while “age is not a per se mitigating factor,” youth is “far more likely to diminish a defendant's culpability than” the Court indicated in Ha'mim.⁶ O'Dell, 183 Wn.2d at 695-96. Thus, “a trial court must be allowed to consider youth as a mitigating factor when imposing a sentence on a[young] offender.” O'Dell, 183 Wn.2d at 696. Because the trial court did not “meaningfully consider youth as a possible mitigating factor,” the matter was remanded for resentencing. Id. at 689. See also Light-Roth, 200 Wash. App. at 165 (holding that a PRP petitioner “deserves an opportunity to have a sentencing court meaningfully consider whether his youthfulness justifies an exceptional sentence below the standard range”).

⁶ The Court did not expressly overrule Ha'mim directly, but instead “disavow[ed]” the reasoning in Ha'mim to the extent it was inconsistent with its ruling. O'Dell, 183 Wn.2d at 689.

Like the sentencing court in O'Dell, the sentencing courts here failed to meaningfully consider Mr. Robinson's youth as a mitigating factor. The sentencing courts in Mr. Robinson's cases thus manifested their erroneous belief, like the sentencing court in O'Dell, that the factor of youth was not a mitigating factor under the SRA, indicating that they were bound to impose a sentence within the SRA range. *See App. Attach. C; Attach. D.* With the benefit of O'Dell, it is now clear that the sentencing courts abused their discretion.

A refusal to consider youth as a mitigating factor "[i]s a failure to exercise discretion, which [i]s 'itself an abuse of discretion subject to reversal.'" Light-Roth, 200 Wash. App. at 165 (quoting O'Dell, 183 Wn.2d at 697); *see also* State v. Grayson, 154 Wn.2d 333, 342, 111 P.3d 1183 (2005) (holding that a court abused its discretion by failing to consider a defendant's request for a drug offender sentencing alternative). O'Dell and Light-Roth are indistinguishable from the present case on this point. The trial courts' failure to "meaningfully consider youth as a possible mitigating factor" in Mr. Robinson's case constitutes clear reversible error.

It is further clear from the holdings in O'Dell and Light-Roth that such an abuse of discretion constitutes a "fundamental defect that inherently results in a miscarriage of justice," thus meeting the burden

imposed on personal restraint petitioners. Indeed, such was the express holding in Light-Roth, 200 Wash. App. at 165. Mr. Robinson is therefore entitled to have his cases remanded to the trial court for resentencing, with instructions to the courts to evaluate whether Mr. Robinson's culpability was diminished by his youth and to impose a sentence that properly takes this mitigating factor into consideration.

2. Mr. Robinson's sentence constitutes cruel and unusual punishment in light of the sentencing court's failure to consider concurrent imposition of the firearm enhancements.

Prior to sentencing, defense counsel, the prosecution, and Mr. Robinson, all agreed and represented to the court that consecutive imposition of the weapons enhancements was mandatory in cause no. 97-1-00661-7. *App. Attach. A; App. Attach. C; App. Attach. D; App. Attach. F*. Accordingly, the court initially ran the firearm enhancements all consecutively, tacking 180 months (15 years) onto Mr. Robinson's sentence. The court then reduced the enhancement by running the enhancements concurrent with each other, but not with the base sentence, resulting in an enhancement of 60 months (5 years). *App. Attach. G*.

The consecutive imposition of Mr. Robinson's firearm enhancements has been rendered unconstitutional by the Court's decision in Houston-Sconiers, 188 Wash. 2d at 24. Houston-Sconiers establishes that the "mandatory nature" of the deadly weapon enhancement statutes

violate the Eighth Amendment's prohibition on cruel and unusual punishments when applied to juvenile offenders. Id. at 24. Specifically, the Supreme Court held that sentencing courts must be allowed to consider youth as a mitigating factor and to impose exceptional downward sentences under the SRA and the "Hard Time for Armed Crimes" statutes in order to comply with the mandates of the Eighth Amendment. Id.

The defendants in Houston-Sconiers were 17 and 16 years old at the time of the offenses, but tried and convicted as adults. Id. at 8. They committed a series of robberies of Halloween trick-or-treaters, threatening their young victims at gun point while wearing Halloween masks. Id. at 10-11. The firearm enhancement penalties totaled 372 months and 312 months for the respective defendants. Id. at 8. The court imposed the full penalties, as it felt it had no discretion to do otherwise. Id. at 9. It did, however, impose a base sentence for the underlying offenses of zero months, even though it believed doing so violated the SRA (a mistaken belief in light of O'Dell). Id. at 13. In reversing the sentences, the Court held that the trial court's failure to consider youth as a mitigating factor under the "Hard Time for Armed Crime" statutes, specifically RCW 9.94A.533, violated the Eighth Amendment's prohibition against cruel and unusual punishments. Id. at 18-21.

Mr. Robinson was 17 years old at the time of the offenses. His situation is indistinguishable from that faced by the defendants in Houston Sconiers. As in Houston-Sconiers, the trial court in Mr. Robinson's case failed to consider concurrent imposition of the firearm enhancements with the base sentence on the basis of Mr. Robinson's youth. This failure indisputably resulted in a constitutional violation under Houston-Sconiers. Thus, in addition to Mr. Robinson's sentence being revealed as unlawful in light of O'Dell, Houston-Sconiers further demonstrates that the sentence is unconstitutional as violative of the Eighth Amendment of the United States Constitution and Article I, § 14, of the Washington Constitution.

B. This Petition is Timely Because the Cases Relied Upon Herein Constitute Significant, Material Changes in Law that Apply Retroactively.

In general, personal restraint petitions must be filed within one year after the judgment becomes final. RCW 10.73.090(1). However, there are exceptions to the one-year limit, including where there has been (1) a significant change in the law, (2) that is material to the defendant's sentence, and (3) applies retroactively. RCW 10.73.100(6). Although Mr. Robinson brings this Petition outside of the one-year limit, the exception in RCW 10.73.100(6) applies because O'Dell and Houston-Sconiers constitute significant, material, changes in the law that apply retroactively.

In Light-Roth, 200 Wash. App. at 165, Division I of the Court of Appeals analyzed precisely the issue presented here, namely, whether the change in law marked by O'Dell satisfies the RCW 10.73.100(6) exception. This Court held, in no uncertain terms, that it does. Id. at 3. Accordingly, Mr. Robinson is also entitled to avail himself of the RCW 10.73.100(6) exception.

A change in the law occurs when a court decision breaks new ground or if the result was not dictated by precedent existing at the time the defendant's conviction became final. State v. Fort, 190 Wash. App. 202, 231, 360 P.3d 820 (2015). The key inquiry on a personal restraint petition is whether the defendant could have argued the issue before publication of the new decision. Fort, 190 Wash. App. at 231 (citing State v. Gomez-Cervantes, 169 Wn. App. 428, 433, 282 P.3d 98 (2012)).

As recognized in Light-Roth, O'Dell marked a significant change in the law. State v. Law, 154 Wn.2d 85, 110 P.3d 717 (2005) and Ha'mim, the prior Supreme Court cases addressing the issue presented here, “effectively prevented trial courts from considering whether a young adult defendant's age diminished his or her culpability unless something else tied the defendant's youth to the crime itself.” In re Pers. Restraint of Light-Roth, 200 Wash. App. at 160.

O'Dell, however, approved of the argument previously rejected by the Court and held that trial courts are henceforth allowed to consider youth and immaturity as mitigating factors that can justify downward departures from the SRA standard ranges. See In re Pers. Restraint of Light-Roth, 200 Wash. App. at 165. Accordingly, in Light-Roth, this Court rejected the State's argument that O'Dell merely clarified existing law, and concluded instead that O'Dell "announced a significant change in the law." Id.

The Court held further that the change in law marked by O'Dell must be applied retroactively "because it announced a new interpretation of the SRA." In re Pers. Restraint of Light-Roth, 200 Wash. App. at 160. This conclusion flows from the established principle that "[o]nce the Court has determined the meaning of a statute, that is what the statute has meant since its enactment." Id. (citing In re Pers. Restraint of Johnson, 131 Wn.2d 558, 568, 933 P.2d 1019 (1997)). Because O'Dell provided a changed interpretation of RCW 9.94A.535(1), the statute must be interpreted retroactively as allowing downward departures based on youth and immaturity since their enactment. Id.

The final element, materiality, is also met in this case, on the same grounds it was deemed to have been met in Light-Roth. The State argued in Light-Roth that the change in law announced in O'Dell, if any, was

immaterial because the defendant failed to request a downward departure based on his youth at the trial court level. Id. at 161. This Court rejected the State's argument because:

It is unreasonable to hold that a case announced a significant change because it made a new argument available to a defendant, and then hold that the change is not material because the defendant did not make that argument.

Id. It was therefore held that the change in the law O'Dell announced was material to the defendant's sentence, because the defendant would be able, upon resentencing, to now argue for an exceptional sentence below the standard range based on youth. Id.

In this case, there is abundant evidence in the record that Mr. Robinson would have, or should have, received a lesser sentence with the benefit of the subsequent change in law, thus meeting the materiality requirement of RCW 10.73.100(6). As set forth in the Statement of the Case above, Mr. Robinson was 17 years old in age and much younger in terms of maturity as a result of his mental illness, which ultimately drove him to commit this offense. *See App. Attach. A; App. Attach. B.* The subsequent change in law is therefore directly material to Mr. Robinson's situation - had he been sentenced under current law, he most likely would have received an exceptional sentence in order to provide him with the opportunity to mature and get his mental health under control and then be

reintegrated into society at an age where he can still build a future for himself.

Moreover, the reasoning applied in Light-Roth with respect to O'Dell applies also to the holding in Houston-Sconiers. Prior to Houston-Sconiers, the Court precluded any argument for concurrent imposition of weapon enhancements. See State v. Brown, 139 Wash. 2d 20, 29, 983 P.2d 608, 613 (1999), *overruled in part by* Houston-Sconiers, 188 Wash. 2d at 21. In Brown, the Court held unequivocally that if the weapons enhancement sentencing statute “is to have any substance, it must mean that courts may not deviate from the term of confinement required by the deadly weapon enhancement.” Id. Houston-Sconiers overruled Brown expressly with respect to juveniles. Like O'Dell's rejection of the “sweeping conclusion” in Ha'mim that age may not be considered as a mitigating factor, Houston-Sconiers overruled the “mandatory nature” of RCW 9.94A.533 as interpreted by Brown. Thus, like O'Dell, Houston-Sconiers constitutes a significant change in the law.

The holding in Houston-Sconiers must further be applied retroactively, as it provides new interpretations of the SRA. Houston-Sconiers struck down the mandatory nature of firearm enhancements as unconstitutional when applied to juvenile offenders for the first time. Although this case dealt with a slightly different statute than that

implicated in Mr. Robinson's sentence, the difference is immaterial - the reasoning set forth in Houston-Sconiers applies with equal force to RCW 9.94A.310(3)(e) (1997).

This change is also material to Mr. Robinson's sentence. The court was incorrectly advised by Mr. Robinson, defense counsel, and the prosecution, that the firearm enhancements must be applied consecutively to the base sentence. *App. Attach. A; App. Attach. C; App. Attach. D; App. Attach. F*. Mr. Robinson was thereby wrongfully denied the opportunity to have the sentencing court meaningfully consider his youth as a mitigating factor warranting concurrent imposition of the firearm enhancements with the base sentence. As held in In re Pers. Restraint of Light-Roth, 200 Wash. App. at 160, the court's incorrect belief that it lacked discretion to impose the weapon enhancements concurrently based on Mr. Robinson's youth is material to Mr. Robinson's sentence.

Mr. Robinson's PRP meets all the requirements of the exception to the one-year limit codified at RCW 10.73.100(6), as to all issues raised herein, and the PRP is thus timely.


V. CONCLUSION

For the foregoing reasons, this Court should grant the PRP and remand both cause nos. 97-1-01131-9 and 97-1-00661-7 for resentencing to evaluate whether Mr. Robinson's culpability was diminished by his

youth and to resentence Mr. Robinson accordingly. In seeking
resentencing, Mr. Robinson does not seek withdrawal from his guilty pleas
in either matter.

Respectfully submitted this 9th day of April, 2018.

LAW OFFICE OF COREY EVAN PARKER


Corey Evan Parker, WSBA #40006
Attorney for Petitioner, Anton D. Robinson

OATH

I declare under penalty of perjury under the laws of the State of Washington that I am the attorney for the petitioner, that I have read the petition, know its contents, and I believe the petition is true.

Respectfully submitted this 9th day of April, 2018.

LAW OFFICE OF COREY EVAN PARKER

By Corey Evan Parker
Corey Evan Parker, WSBA #40006
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Corey Parker, certify under penalty of perjury under the laws of the United States and of the State of Washington that on April 9, 2018, I caused to be served the document to which this is attached to the party listed below in the manner shown next to their name:

Attorney for Respondent:

Kitsap County Prosecutor's Office
Appellate Division
kcpa@co.kitsap.wa.us

- ☐ By First Class Mail
- ☐ By Fed Express
- ☐ By Facsimile
- ☐ By Hand Delivery
- ☐ By Messenger
- ☒ By Email

/s/ Corey Evan Parker
Corey Evan Parker

APPENDIX

Attachment “A”

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP

STATE OF WASHINGTON,
Plaintiff,

vs.

ANTON DESHAE ROBINSON aka
"YELLOWJACKET",
Defendant.

No. 97-1-00661-7

DEFENDANT'S PRE-SENTENCE
MEMORANDUM

TO THE ABOVE ENTITLED COURT
AND TO: IONE S. GEORGE, Attorney for the State

Facts- Current Defenses

Anton Robinson faces sentencing for the crimes of Rape 1°, Rape 2° and Robbery 1°, all with firearm enhancements; pursuant to a plea of guilty entered October 31, 1997.

Prior Offenses

Mr. Robinson has prior juvenile offenses for Robbery 2°, committed July 9, 1995, and Delivery of a Controlled Substance, committed May 13, 1996.

Offender Score

The offender score for Rape 1° is seven; resulting in a standard range of 159-211 months. The offender score for Rape 2° is also seven; with a standard range of 108-144 months. The standard range for Robbery 1° is six; with a standard range of 77-102 months. Each of the sentences will carry a sixty month enhancement for firearms. Since these sentences should be concurrent (absent an exceptional sentence) the court has a range of 339 months (28.25 years) to 391 months (32.6 years) to work with.

Facts

The facts of these crimes are undisputed; and are accurately summarized in the Certificate of Probable Cause filed herein.

Essentially, Mr. Robinson and his co-defendant, Mr. McWhorter, entered an apartment occupied by the victim and an adult male. Both defendants were armed with firearms.

OLSEN & OLSEN
Attorneys at Law
216 Ericksen Ave. N.E.
Bainbridge Island, WA 98110
(206) 780-0240
Fax (206) 780-0318

1
2
3 The Defendants locked the male in a bathroom. Then they took turns having oral
4 sex with the female victim. They then led the male out of the bathroom; and ordered him
5 to have oral sex with the victim.
6
7

8
9 The robbery occurred two days later. At that time, the male victim was walking in
10 downtown Bremerton in the early morning hours with a female acquaintance. The
11 defendant drove up with several passengers. The passenger in the front seat was an
12 acquaintance of the victim's female companion. The passenger pulled out a shotgun, got
13 out of the car and pointed the gun at the victim and told the victim to "break yourself"-
14 which the victim understood to mean he was to give up anything he had of value. The
15 victim estimated that the value of items given to the passenger was about \$600, including
16 jewelry. Mr. Robinson returned the wallet to the victim.
17
18

19
20
21
22
23
24
25
26 **Other Pertinent Facts**

27 The basic facts of these crimes are terrible; and certainly deserve punishment.
28 However, there are glimmers of hope in this young man; which indicate he is capable of
29 compassion.
30
31

32 Attached hereto, made a part hereof and marked Exhibit A is a copy of page 8 of
33 the robbery victim's taped statement; which indicates that Mr. Robinson (the driver) told
34 the victim "I don't want to take all your stuff from you so I am going to try to get your
35 stuff back." Apparently Mr. Robinson then argued with the passenger about giving back
36 the victim's wallet, with Mr. Robinson prevailing- as the wallet was returned to the victim.
37
38

39 Attached hereto, made a part hereof and marked Exhibit B is a copy of page 5 of
40 the taped statement of the rape victim. At the bottom of the page it appears that Mr.
41 McWhorter wanted to hurt the victim because he didn't like how she cooked up some
42 eggs for the defendants. Mr. Robinson talked Mr. McWhorter out of it:
43
44

45 "J.R. was like said you fucked up, he said I ain't eating that shit, he said hit
46 her, hit her, knock her upside her head with that gun and little yellowjacket
47 (Mr. Robinson) proceeded, no man, she did the best she could...." 216 Ericksen Ave. N.E.
48
49

50
51
52
53
54
55
56
57
58
59
OLSEN & OLSEN
Attorneys at Law
Bainbridge Island, WA 98110
(206) 780-0240
Fax (206) 780-0318

1
2
3 **Background Information**
4

5 Attached hereto, made a part hereof and marked Exhibit C are copies of the
6
7 psychiatric notes from Maple Lane School; where Mr. Robinson served his juvenile drug
8
9 sentence.
10

11 These notes reveal that there is family history of mental disorder. His grandfather
12
13 was in a psychiatric hospital for a long time, and died there. Mr. Robinson's own father is
14
15 on medication for temper and depression. Mr. Robinson believes that his father has been
16
17 diagnosed as bi-polar. As a result, Mr. Robinson's father has up and down moods and acts
18
19 crazy when he gets angry.
20

21 In spite of this, Mr. Robinson has performed well in school. He believes that in his
22
23 last year in school, he received grades of 4.0. Nevertheless, he has experienced extreme
24
25 mood swings and explosive behavior since early childhood.
26

27 While in Maple Lane School, Mr. Robinson began working with Tore Nielsen,
28
29 consulting psychiatrist.
30

31 Between July, 1996 and June, 1997, Dr. Nielsen noted a great deal of progress in
32
33 Mr. Robinson's ability to control his anger. In Dr. Nielsen's note of April 29, 1997, it
34
35 appears that he diagnosed Mr. Robinson as also suffering from a bi-polar process. Dr.
36
37 Nielsen also reported that Anton was afraid of being released from Maple Lane:
38

39 "Anton seems genuinely concerned...about leaving here in a couple of
40
41 months. He is afraid that he's not going to make it on the outside and that
42
43 other gang members are going to shoot him. He has a lot of anxiety and a
44
45 lot of fear whether realistic or not."
46

47 Dr. Nielsen's notes reflect that Anton continued to express fear about leaving
48
49 Maple Lane until his release at the end of June, 1997.
50

51 It is not clear what services, if any, Mr. Robinson was provided after his release.
52
53 Within weeks of his release from Maple Lane, these crimes were committed.

54 Mr. Robinson claims that he was high on LSD during both of these incidents, and
55
56 has very little recollection of the rape on June 12, 1997. Attached hereto and marked

OLSEN & OLSEN
Attorneys at Law
216 Erickson Ave. N.E.
Bellingham, WA 98110
(206) 780-0240
Fax (206) 780-0318.

1
2
3 Exhibit D is page 5 of the victim's taped statement- confirming that Mr. Robinson was
4 extremely high.
5
6

7
8 **Conclusion**
9

10 Mr. Robinson stands before the court as a seventeen year old facing a significant
11 sentence for two instances of crime, committed while Mr. Robinson was under the
12 influence of drugs.
13
14

15 He has a long history of drug abuse and emotional problems- which may be
16 genetic.
17
18

19 It appears that Mr. Robinson made a genuine effort to control his anger and
20 inappropriate behavior, while at Maple Lane. It also appears that he was afraid of what
21 would happen once he was released from Maple Lane. These fears appear to have been
22 well founded. Faced with the choice of either becoming a target for his old gang or falling
23 back into his old pattern of behavior, he chose the easy route. In retrospect, it appears
24 that Mr. Robinson almost committed these crimes in an attempt to return to the safe
25 environment of prison.
26
27
28
29
30
31
32
33

34 It appears that the good work that was done at Maple Lane provided a window of
35 opportunity to try and get this young man's life turned around. Unfortunately, there was
36 no follow up; and these crimes were committed.
37
38
39

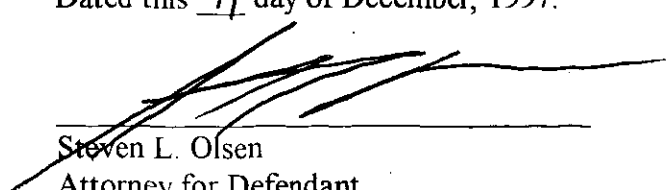
40 While these crimes are terrible, the amount of punishment contemplated for this
41 seventeen year old could be more than twice his current age.
42
43

44 The Defendant requests a sentence of 159 months (plus the 180 months of weapon
45 enhancements) for a total of 339 months (28.25 years). With only fifteen percent of the
46 non enhancement part of the standard range eligible for good time, this seventeen year old
47
48
49
50
51
52
53
54
55
56
57
58
59

OLSEN & OLSEN
Attorneys at Law
216 Ericksen Ave. N.E.
Bainbridge Island, WA 98110
(206) 780-0240
Fax (206) 780-0318

1
2
3 would not be eligible for release any sooner than his forty-third birthday.
4
5

6 Dated this 11 day of December, 1997.
7

8
9
10
11 
12 Steven L. Olsen
13 Attorney for Defendant
14 WSBA No. 9601
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59

OLSEN & OLSEN
Attorneys at Law
216 Ericksen Ave. N.E.
Bainbridge Island, WA 98110
(206) 780-0240
Fax (206) 780-0318

RC: Okay, and then how did you get your wallet back?

LL: He - uh - the driver - he took it from Little Duke and brought it back. He told me, you know, I'm not going to take your wallet and gave it back.

RC: While they were stopping, you said that there was some sort of conversation, maybe, arguing about - the driver and the passenger deciding whether they should give some of your property back?

LL: Yes. Um - the driver said that - uh - I don't want to take all your stuff from you so I'm going to try to get your stuff back and once he got back in the vehicle with - uh - the passenger - he had already got back in - um - I heard them start to argue and then - um - like a minute or two later, the guy was firing up the vehicle and then. I guess they had cut off from him. Started up the vehicle and then he started to pull out. Then he stopped and turned off - they pulled off and the whole time

RC: So initially, when they pulled up to you, did Little Duke pull the shot gun out?

LL: Yes.

RC: Okay, did he point it out of the window at you?

LL: Yes.

RC: Okay, did Little Duke exit the vehicle?

LL: Yes.

RC: Okay, and then at some point, the driver also exited the vehicle?

LL: Yes.

RC: Did he - the driver - exit the vehicle when Little Duke was asking for your property?

LL: Yes.

RC: Okay, what other types of things did he say to you when he was pointing the shot gun at you?

LL: Um - he just said I'm not playing, you better give me everything you've got or I'll shoot you.

RC: Okay, what was he pointing the shot gun at?

LL: Pretty much - he was - um - he was kind of like twisting it from pointing it at my head to my - uh - my chest.

RC: Did you see the driver in possession of any weapon?

LL: Yes.

RC: And what type of weapon was that?

LL: It was - it looked like a black revolver.

RC: Okay, was it dark out?

LL: Yes.

RC: Okay, did the driver say anything to you? Any threats?

LL: No.

RC: Okay, and at some point you got some of your property back?

Taped Statement Page 5 - Betty S. Wilson

RC: Where were their guns at this time?

BW: Little Yellow Jacket was holding the rifle the whole time.

RC: Was he pointing it at you?

BW: Yeah.

RC: Okay, what about J.R.

BW: He was just basically ... and he was like don't you guys be fooled, J.R. said they'll be no fools, and 'cause he said 'cause they will just make us, they were telling us how they wanted to hurt somebody.

RC: How did you feel?

BW: I was in shock, I was afraid to move, I

RC: Did you think they were going to do something?

BW: Yeah.

RC: Okay, and what was that?

BW: That gun could have went off at any, any, any second.

RC: They were making you feel like they were going to shoot you?

BW: Yeah. He told me he said if you don't, he said Little Yellow Jacket said you don't think it's real, look at the clips. So he made me look at the clip, he said count them, they're five clips and he said you know what, he said all I got to do is flip, there was a black string attached and he said if I pull that, he said it will blow your face off, no problem. He said you know what I don't give a fuck you know. And then they just kept saying how they wanted to kill somebody and then he started, Little Yellow Jacket was telling me how Eric Gross and basically why he came there 'cause he wanted to kill Eric Gross.

RC: Okay, then what happened?

BW: They made me cook them something to eat. They said if I didn't that he would shoot me so they were like move, move, telling me to do it so I went on, did it.

RC: Do you remember what you cooked them?

BW: They were chicken strips.

RC: Did they both eat the chicken strips?

BW: JR was like said you fucked up, he said I ain't eating that shit, he said hit her, hit her, knock her upside her head with that gun and Little Yellow Jacket proceeded, no man, she did the best she could da, da, da, da, da. And after that I went back, he said are you scared enough to, no I ain't scared, I told them no, I ain't scared. So I went back and sat on the couch trying to figure out how I was going to get out and at that time they were letting the other girl out the door.

Taped Statement Page 4 - Betty S. Wilson

RC: How long have you known Brad?

BW: Four or five months.

RC: Was anybody else present at the apartment?

BW: There was another black female. She said she was in Long Beach California, and her name she said is Janet.

RC: And you said that you're aware she drives a white car with California plates?

BW: A white Cadillac, it's about 1981.

RC: How long have you known her?

BW: About two days, three days.

RC: Prior to that happening?

BW: Yeah.

RC: Does she live there with Brad?

BW: She was living there at that time.

RC: Okay. You hear the knock on the door, Brad answers the door, J.R. and what do you refer to him as?

BW: Little Yellow Jacket.

RC: Little Yellow Jacket come into the house and then what happens? You see the guns immediately?

BW: Yes, Little Yellow Jacket swings open his pants and pulls a rifle out, and he said, "Ain't nobody goin nowhere. Don't move." He said, "You try to get to the door," he said, "I'm blowing your fucking head off." Everybody just froze. And while he was there, they had J.R. combing the apartment to see who was there and then they proceeded to put a knife in the door and lock the door and while Little Yellow Jacket stood there in front of the door with his rifle.

RC: Okay, and then what happened?

BW: He, Little Yellow Jacket was saying how he wanted to kill, he was looking for blood, he wanted to kill somebody and J.R. was like whatever I tell him to do he's going to do. He said so you guys might as well do whatever we tell you to do 'cause ain't nobody going nowhere, he said we're on a mission type thing and this is what we're going to do, we're looking for Eric Gross and we're looking to kill him, and we've been told he was down here, da, da, da, da, da, da, da, and information like that. Then they proceeded to Little Yellow Jacket seemed to be real high, he was talking about how he was on acid and he didn't care, he could lose it any moment and then he told Brad that if anybody knocked on the door he would blow them away and then he would kill us and himself. Then they kind of calmed, they kind of calmed down and J.R. went in the back to talk to the girl Janet that was back there and

Attachment “B”



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

July 16, 1996

PSYCHIATRIC NOTE

ROBINSON, Anton

Anton is a sixteen year old student who was seen at Baker Cottage after recently being admitted here. He has been identified as suffering from extreme mood swings and explosive behavior, poor relationships, some confusion and even bizarre beliefs.

He was born and raised in Portland, New Jersey, and San Diego and has one sister who is 23 years older. His parents separated when he was 11 years of age and they are both around 40 years of age.

The family history is positive for affective disorder and his father's father was in a psychiatric hospital for a long time and even died there. His own father is on medication for his temper and his depression and he has up and down moods and acts crazy when he gets angry. He's pretty sure he's been diagnosed as suffering from manic depression or bi-polar disorder.

His childhood was fairly stable, though he is upset and remembers clearly that he was discriminated against by his mother's parents who were caucasian and his mother was caucasian, but his father is Afro-American.

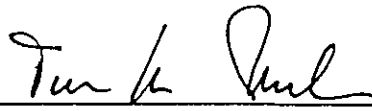
Anton has finished nine grades of school and he appears bright but he says that he gets very agitated and restless and can't study. Socially he is very popular and got along well and played basketball.

Physically, he is apparently in good health though he says that he has a heart murmur and he's allergic to some soaps.

EXHIBIT C

Psychiatric Note
Robinson, Anton
Page 2

His behavior problems have existed since the early childhood and he says that in the fourth grade he hit a teacher in the back with a chair and almost ruined her back. He says that he always gets in violent fights and can't control the intensity of his feelings. He has been charged with multiple varied crimes. The reasonable thing will probably be to start him on mood stabilizers such as Lithium to see what effect that has on his behavior. Because of his heart problems and a cardiology work-up, I'm going to start him on Depakote rather than Lithium.



Tore Nielsen, M.D.
Consulting Psychiatrist

Orig: Legal File
cc: Treatment File
 Clinic File
 School File
 Psychologist



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

August 1, 1996

PSYCHIATRIC NOTE

ROBINSON, Anton

Anton is tolerating the Depakote very well and says that he is feeling calmer though he still blows off. His serum level is 62 micrograms per milliliter and so I will increase his dose to 750 a day and see if it has any more benefit for him.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/va

cc: Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager I





STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

August 20, 1996

PSYCHIATRIC NOTE

ROBINSON, Anton

Anton is telling me that the 500 mgs. of Depakote at night helps mellow him out but the 250 mgs. in the morning is not doing much good and he is still feeling over raged and he has trouble keeping under control. He is also having trouble with his sleep, staying awake until 3 or 4 o'clock in the morning. I will, therefore, increase his Depakote to 500 mgs. twice a day. He is tolerating it very well. We discussed the possibility of using some Trazadone for sleep if the increased Depakote doesn't eventually improve his sleep pattern. I will check with him in two weeks.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/va

cc: Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager I



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

September 3, 1996

PSYCHIATRIC NOTE

ROBINSON, Anton

Anton is doing fairly well on his Depakote 500 mgs. bid. He is on Level 2 and he appears much calmer and more mellow in my office. He still is having some difficulties with his anger but he is working on learning to control it. He says he still has trouble going to sleep and I agreed to give him 50 mgs. Trazadone to see if that will help him because he alleges only getting four hours sleep at night.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/va

cc: Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager I



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

September 10, 1996

PSYCHIATRIC PROGRESS NOTE

ROBINSON, Anton

Anton tells me that the Depakote is helping him control his temper. He says he still gets angry but he can keep it under control much better. However, he is still complaining of insomnia and so I will increase the Trazadone to 100 mgs. qhs. He is a little concerned that it is making him hyper, so I told him that if the 100 mgs made him more hyper, he should stop it immediately and we will try some Benadryl instead.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/va

cc: Legal File (Original)
Treatment File - Pine
Clinic
School
Psychologist
Program Manager I



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

September 24, 1996

PSYCHIATRIC PROGRESS NOTE

ROBINSON, Anton

Anton tells me that the Depakote is helping him control his anger better and he is happy about taking that. He also says that 100 mgs. Trazadone is helping him sleep better occasionally. I will increase it to 150 mgs. qhs. and then I think I will leave him on those two medications for a while and check with him in a month. He is now on Level III and feels fairly stable. He is suffering from a cold today so he is a little down, but that's because of the URI.

A handwritten signature in dark ink, appearing to read "Tore Nielsen".

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/va

cc: Legal File (Original)
Treatment File - Pine
Clinic
School
Psychologist
Program Manager I.



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION

MAPLE LANE SCHOOL

Centralia, Washington

October 22, 1996

PSYCHIATRIC PROGRESS NOTE

ROBINSON, Anton

Anton continues to feel that he is doing quite well on the combination of Depakote and Trazadone. His counselor, Ms. Jones, is wondering whether he needs to be on medication, and I will talk to her today and we will discuss that. I would like to leave him on for another couple of months just to have a solid baseline before we try and take him off to see if it makes any difference.

A handwritten signature in cursive script, reading "Tore Nielsen".

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc: Legal File (Original)
Treatment File - Laurel
Clinic
School
Psychologist
Program Manager I



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION

MAPLE LANE SCHOOL

Centralia, Washington

December 10, 1996

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton is doing okay temper and mood-wise, but he did get into some trouble with apparently hiding some pencil lead in his room. He dealt with that stress even though he lost a lot of points.

When I told Anton that his counselor and I discussed the possibility of getting along without meds, he said that was okay with him. So I will reduce his Depakote to 250 mgs twice a day and check with him right after New Years. At that time if he is doing about the same we can stop it altogether and then he will have another three months until he is about ready to leave Maple Lane so that's good timing.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc: Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

January 14, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton says that he has gotten an "attitude" in the last several weeks since we reduced his Depakote in half. I will, therefore, increase it back up to 500 mgs twice a day and then I will need a report from the cottage and school whether they noticed any changes between the middle of December and now in the next two weeks.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc: Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

February 3, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton says he is feeling more irritable and is walking around sort of looking for a fight. He says he did better when he was on the Trazodone, but that 150 mgs was too much and he thought he did pretty good on 100 mgs. I will restart the 100 mgs at h.s., but leave the Depakote where it is.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

February 25, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton was seen in Chelan Cottage and he is sleeping okay on the 100 mgs of Trazodone, however, he still feels explosive and easily frustrated and flashes quickly. I am, therefore, going to increase his Depakote from 1000 to 1500 mgs and see if that has any better effect on his explosive temper.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION

MAPLE LANE SCHOOL

Centralia, Washington

March 11, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton is not responding very well to the Depakote. He is tolerating it, but continues to have trouble with his temper and losing it for minor reasons and in a sudden flash. With his father's father dying in a mental hospital after many years, and his father attempting suicide at age 30, we are certainly dealing with a biological problem underneath his conduct. I will, therefore, add Lithium to the Depakote next and see if we can help him get better control over his temper. If that doesn't help, I will have to consider the use of some sedating antidepressant.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

March 25, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton is tolerating the additional Lithium and, in fact, seems to be doing better on it already. His level is only .48 millimols per liter, but his T-3 is slightly elevated. However, the latter event is fairly common in teenagers, so since the TSHS is normal, probably no further studies need to be done. He will, therefore, be kept on the 1000 mgs of Depakote and 100 mgs of Trazodone, and I will increase the Lithium to 900 mgs at h.s.. We will check on the serum level later on.

J. H. Nielsen M.D.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN/cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

April 29, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton tells me today that he is hearing voices. "The walls are talking to me." He says he hears tiny tapping sounds and that the walls also have voices that sort of swear at him and this upsets him. He says he has talked to his father about it because his father hears voices, and the father told him to be sure and let me know. Anton tells me that he also has been depressed and that he thinks a lot about hurting people. He says he gets angry easily and he gets frightening feelings, but he has not acted on them and he is on Level 3 and behaving quite well. He also tells me that his feelings are easily hurt and that he can't focus on projects, but I get the feeling that this is exaggerated because he doesn't have any other symptoms for primary process thinking or schizophrenia. I am still working on the premise that this is a Bi-Polar process and will increase his Lithium so that he gets into a therapeutic range. If that doesn't work, I will have to think harder about an OCD Spectrum Disorder.

Anton seems genuinely concerned, but he talks about it in such a nonchalant fashion that it leaves me puzzled that he is putting on symptoms because he is really worried about leaving here in a couple of months. He is afraid that he is not going to make it on the outside and that other gang members are going to shoot him. He has a lot of anxiety and a lot of fear whether realistic or not.

I will increase the Lithium to 600 mgs twice a day and if that doesn't work, I will start him on either Paxil or Luvox when I see him next time.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN:cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION

MAPLE LANE SCHOOL

Centralia, Washington

May 20, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton doesn't like the effect of the Lithium because it made him feel too tired. He also has not taken his other medication regularly and he says it's because he gets angry and then refuses to take them off and on. He looks and sounds much more depressed and he says he wishes he weren't here, but he hasn't had any thoughts of hurting himself.

Anton is ready to be discharged in 37 days and I have a suspicion that he is frightened of that. He does have the fear that he is going to be shot by rival gang members when he gets out. He also has told his counselor that he is hearing voices that are really bothering him. However, when I asked him about that he said that they were sort of conversations within his own head and, again, they seem to fit the description of an obsession more than a delusion or a hallucination.

In any case I will, therefore, start him on Zoloft 50 mgs q.a.m. because of its antidepressant and anti-obsessive effects. I will increase it to 100 mgs after a week and see him in three weeks.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN:cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
MAPLE LANE SCHOOL

821-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

JUVENILE REHABILITATION ADMINISTRATION
MAPLE LANE SCHOOL
Centralia, Washington

June 10, 1997

PSYCHIATRIC REPORT

ROBINSON, Anton

Anton is going home in 16 days and he is feeling very depressed. He says he is more depressed than ever, and was even put on a suicide watch recently. However, he tells me today that he is not suicidal and he will not kill himself. He promised to let people know if these feelings changed. Anton still has minor symptoms of depression, so I am going to increase his Zoloft to 150 mgs. It could be that stopping the Lithium has made him worse, or it could be that he is still very concerned about what's going to happen to him when he gets on the outside. Anton plans to go home and live with his parents and hopes to find a job. His temper seems to be somewhat diminished, but the Depakote and Lithium did not have any effect on that or on his moods, though at first we thought the Depakote was somewhat helpful. He did not complain about hearing voices this time, but I am not sure whether he is covering up or not. In any case, I am going to increase his Zoloft to 150 mgs and, hopefully, it will have some effect on his depression and obsessive thought patterns.

Tore Nielsen, M.D.
Consulting Psychiatrist

TN:cq

cc Legal File (Original)
Treatment File
Clinic
School
Psychologist
Program Manager



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

821-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

MAPLE LANE SCHOOL

PSYCHIATRIC MEDICATION FEEDBACK FORM

Name: Robinson, Anton Period (dates) Covered: From 1-15-97 To 1-27-97

Teacher: Mr. Collins Subject: Science

Medication: Meds increased on 1/15/97

Please return observations + comments to Health Clinic before
The following observations are noted for the past week: 1-28-97 (next appt.)

Observation	Better	Worse	Same	N/A	Comments
Sleep				✓	F.F. unable to make comments, document
Appetite				✓	Why - i.e., absent; not observed, ect...
Mood/Affect			✓		Sometimes he is in a great mood, but can have a chip on his shoulder
Suicidal Ideation				✓	
Depression			✓		
Aggression			✓		talks about fights quite a bit.
Self-Isolation	✓				Anton always has to be the center of attention, and usually isolates himself
Attention Span			✓		very short - has problems keeping busy
Peer Interactions		✓			seems to start arguments w/ peers quite often



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MAPLE LANE SCHOOL

B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (360) 736-1361 • FAX (360) 273-0962

MAPLE LANE SCHOOL

PSYCHIATRIC MEDICATION FEEDBACK FORM

Name: Robinson, Anton Period (dates) Covered: From 1-15-97 To 1-27-97

Teacher: Mr Knold Subject: Woodshop

Medication: Medication increased on 1/15/97 New Depakote 500mg 2x
Please return observations + comments to Health clinic before
The following observations are noted for the past week: 1-28-97 (next appt.)

Observation	Better	Worse	Same	N/A	Comments
Sleep				✓	
Appetite				✓	
Mood/Affect					Improved (over)
Suicidal Ideation					no observation
Depression					no observation
Aggression					Improved (X)
Self-Isolation					no observation
Attention Span					Improved (X)
Peer Interactions					Improved (X)



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
B21-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (206) 736-1361

REFERRAL FOR EVALUATION SERVICES

To: Dr. Nelson

Date: (6-13-97)

Re: Anton Robinson

Staff: Belinda Jones

Current/Previous Psychiatric Medications: Zolact, Depakote,
I not sure what else

Observed Behavior Patterns: (check all that apply):

- ☐ Auditory hallucinations (hearing things not there)
☒ Visual hallucinations (seeing things not there)
☐ Olfactory hallucinations (smelling things not there)
☐ Bizarre beliefs expressed;
 ☐ beliefs of persecution (extreme suspiciousness, paranoia)
 ☐ beliefs of grandiosity
 ☐ beliefs about the physical body
 ☐ other (specify) _____
☐ Confused or disoriented thinking
☐ Extreme mood variations (high vs. low energy)
☐ Marked depression
☐ Sleep disturbances (attach sleep record)
☐ Suicidal ideation or gestures
☐ Extreme anger/explosive behavior

____ Poor peer relations

____ predatory

____ victim

____ other (specify) _____

____ Poor staff relations

____ verbal/physical aggression

____ manipulative (specify) _____

____ uncooperative (passive/resistive)

____ other (specify) _____

____ Poor personal hygiene

____ Sexual problems (specify) _____

____ Physical problems (specify) _____

Additional Comments/Concerns:

Anten Knocked on his door at 11:20pm on 6-13-97 to tell me that he had a ghost in his room. He said he saw a face under the desk. I told him that there was nothing there now and shone the flashlight there for him to see. He then swore to God that there was a ghost in his room, under his desk; and that the desk was moving in a zwaying/wavy motion.

NURSE'S SCREENING		DATE
HT. 5'9"	WT. 152 1/2	6-26-96
BP 130/80		
WEAR GLASSES? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
EYE COLOR Brown		
HAIR COLOR Black		
COMPLEXION Med		
RACE Black		
SCARS/TATTOOS/IDENTIFYING MARKS		
VISION—TYPE OF SCREEN:		
L		
R		
CORRECTED:		
L		
R		
HEARING—TYPE OF SCREEN:		
L		
R		
TB TEST (TYPE) PPD RT F/A 6-30-96		
RESULT \oplus mm indurated 7-3-96 \checkmark		
URINALYSIS		
GLUCOSE	Neg	Ketone - Neg
PROTEIN	Neg	Spec. grav 1.020
MICRO		
HEMATOCRIT	Blood-Neg	ph = 6.5
CHECK \checkmark		
YES (Y)	NO (N)	NOT ASKED (NA)
		Y N NA
HOSPITALIZATIONS		<input checked="" type="checkbox"/>
SURGERY		<input checked="" type="checkbox"/>
MAJOR ILLS OR TRAUMA		<input checked="" type="checkbox"/>
LONG TERM MEDICATION		<input checked="" type="checkbox"/>
ALLERGIES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MEDICATION REACTIONS		<input checked="" type="checkbox"/>
BLEEDING		<input checked="" type="checkbox"/>
OTHER MD/CLINICS		<input checked="" type="checkbox"/>
REVIEW OF SYSTEMS		
UNEXPLAINED FEVERS		<input checked="" type="checkbox"/>
WEIGHT LOSS		<input checked="" type="checkbox"/>
RASHES		<input checked="" type="checkbox"/>
HEADACHES		<input checked="" type="checkbox"/>
EAR/EYE PROBLEMS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
DENTAL PROBLEMS		<input checked="" type="checkbox"/>
CHRONIC URI		<input checked="" type="checkbox"/>
COUGH—WHEEZING		<input checked="" type="checkbox"/>
FOOD, DIET PROBLEMS		<input checked="" type="checkbox"/>
ABD. PAIN		<input checked="" type="checkbox"/>
VOMITING, DIARRHEA, CONSTIPATION		<input checked="" type="checkbox"/>
UTI, DYSURIA, ENURESIS		<input checked="" type="checkbox"/>
JT. PAIN, SWELLING		<input checked="" type="checkbox"/>
SEIZURES		<input checked="" type="checkbox"/>
SEXUALLY ACTIVE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
USE OF ALCOHOL AND OTHER DRUGS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
USE OF TOBACCO	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FAMILY HISTORY		
MOTHER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FATHER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ALLERGIES/ASTHMA		<input checked="" type="checkbox"/>
SEIZURES/EPILEPSY		<input checked="" type="checkbox"/>
HEART DISEASE (BP)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CANCER		<input checked="" type="checkbox"/>
DIABETES MELLITUS		<input checked="" type="checkbox"/>
ALCOHOLISM		<input checked="" type="checkbox"/>
OBESITY		<input checked="" type="checkbox"/>
OTHER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

MASTER DATA BASE

DIVISION OF JUVENILE REHABILITATION

COMMENTS

Scars - (R) Under arm - think scar 6" long

Tattoos - LIL
A
DAG

- PCN + Citric Acid in Strawberries + orange

→ punctured (R) TM x 2 3 mon. ago

→ \oplus condoms

ETOH: → thunderbird, Black Velvet, gin (hard lig).
weed: → 3 plants daily x 6 yrs (2-3 gm/day)
Sherm: → "sticks" - 2-3 times/mon.

→ approx 1 pkg/day

SIGNATURE AND TITLE

A. Boney, RN

NAME

Robinson, Anton

BIRTHDATE

6-20-80



TRANSFER/DISCHARGE HEALTH SUMMARY (MEDICAL AND PSYCHIAL)

DIVISION OF JUVENILE REHABILITATION

ATTACH: Copy of Dental Record ☐ Check
Copy of Immunization Record ☐

THIS INFORMATION IS CRITICAL FOR THE CONTINUITY OF HEALTH CARE FOR THE CHILDREN IN OUR INSTITUTIONS. WHEN DISCHARGE OR TRANSFER OCCURS, THIS PAGE, TOGETHER WITH THE IMMUNIZATION RECORD NOW REQUIRED BY STATE LAW FOR SCHOOL ATTENDANCE SHOULD BE SENT WITH THE CHILD WHETHER THEY ARE GOING TO ANOTHER INSTITUTION, A GROUP HOME, A FOSTER HOME OR TO THEIR OWN HOME. THIS WILL GIVE THE NEXT PERSON RESPONSIBLE FOR THE CHILD BRIEF QUICK ACCESS TO HEALTH PROBLEMS NOTED AND TREATED IN THE INSTITUTION, ON-GOING CARE NEEDED AND WILL HOPEFULLY BE AN ADEQUATE DOCUMENT TO MEET THE NEEDS OF VARIOUS RECEIVING AGENCIES. THIS WOULD ELIMINATE THE NEED TO FILL OUT MANY DIFFERENT KINDS OF FORMS TO HAVE NEEDLESS EXTRA PHYSICALS, LAB TESTS OR IMMUNIZATIONS

INSTITUTION Maple Lane School		DATE 6-26-96	
STUDENT'S NAME Robinson, Anton		BIRTH DATE 6-20-80	DJR # 676-227
PARENT OR GUARDIAN Maria Robinson -mother		TELEPHONE WORK HOME	
ADDRESS 1785 Sun Fjord Lane Bremerton, WA. 98312			
HEALTH INSURANCE: NAME None		NAME OF POLICY HOLDER	
TYPE OF COVERAGE MEDICAL <input type="checkbox"/> DENTAL <input type="checkbox"/> OPTICAL <input type="checkbox"/>		PATIENT OR GROUP NUMBER	SOCIAL SECURITY NUMBER
DATE OF LAST COMPLETE PHYSICAL (INCLUDE SCREENING) 6-30-96	ADMISSION HEIGHT 69"	WEIGHT 152 1/2 #	DISCHARGE HEIGHT WEIGHT
ACTIVITY CLEARANCE <input checked="" type="checkbox"/> FULL <input type="checkbox"/> LIMITED (Specify)		WEARS GLASSES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE OF LAST EYE EXAM 2-9-96 snellen

KNOWN ALLERGIES (foods, medicines, insects, etc.)

PENICILLIN_ citric acid. ?Fish.

SIGNIFICANT HEALTH PROBLEMS NOTED PRIOR TO ADMISSION (Include treatment given and where care was given if available)

Heart murmur noted in his chart.
Sinus problems.
Fractured Lt. ankle age 14, no residual problems.
Sensitive skin.

SIGNIFICANT HEALTH PROBLEMS DIAGNOSED DURING RESIDENCE (Include dates and treatment)

Physical noted heart murmur and need for coverage with antibiotic for Dental w
9-17-96 Grade I Ankle sprain, treated with Air cast, rest, ice & elevation X 5.

2-10-97 Viral s/s.

3-4-97 Lip laceration sutured

4-24-97 Tonsillitis treated with Erythromycin 3x daily X 10 days

6-6-97 (L) foot/ankle sprain.

While at Maple Lane was seen by the Psychiatrist Dr. Nielsen - severe lines
He was put on Depakote 500mg BID & Traxidone 100mg 6pm/Day (Only leaving on this)
HEALTH PROBLEMS REQUIRING FURTHER CARE (include treatments started)
8-13-96 Recall exam. 6-14-96 Refused dental work. May need follow up
with his own dentist.

Follow up care with his doctors - Medical/Psych. Paper work sent to both.

MEDICATIONS BEING TAKEN AT TIME OF DISCHARGE

Zoloft 150mg 1 every am. 30 tabs to go with him home.

Attach Additional Sheet if Necessary

SIGNATURE AND TITLE <i>Jeanette Le Douarin</i>	DATE 6-26-97
---	-----------------

CHECK (✓): NORMAL (NL)

ABNORMAL (AB) NOT EXAMINED (NE)

COMMENTS—Describe Abnormalities

PHYSICAL EXAM

		NL	AB	NE
SKIN	ACNE GRADE 1-4			
	RASH/LESIONS			
	BIRTH MARKS, SCARS			
HEAD				
EYE				
	CONJUNCTIVA			
	EOM			
	PUPILS			
	FUND 1			
EARS	EXTERNAL			
	TM			
NOSE				
MO:ITH	ORAL HYGIENE			
	TEETH			
	GUMS			
PHARYNX	TONSILS			
NODES				
THYROID				
CHEST	SYMMETRY			
	LUNGS			
	BREASTS			
HEART	RHYTHM			
	HEART SOUNDS			
	MURMUR			
	VENOUS HUM			
	PULSES			
ABDOMEN	BOWEL SOUNDS			
	LIVER			
	SPLEEN			
	MASSSES			
	KIDNEYS			
	RECTUM			
MALE GENIT.	TENDERNESS			
	TEST/PENIS			
	SEXUAL DEVELOPMENT			
FEMALE GENIT.	HERNIA/HYDRO			
	PELVIC EXAM			
BACK	SCOLIOSIS			
EXTREM.				
NEURO, MENTAL STATUS				
COORDINATION				
STRENGTH/TONE				
DEEP TENDON REFLEXES				
NOTE OTHER NEURO FINDINGS				

See page #3 for tattoos/Scars

T-5
minor pedic

6-10-97
 PPD-RFA
 Result:
 Omm 6/12/97

Diagnoses, suggested further evaluation and treatment plan
 Please enter diagnosis in Master Problem List; Orders on Order Sheet

1. Stable Health
2. minor pedic
3. 6-10-97
4. PPD-RFA
- 5.

Activity Recommendation: Full ☒ Limited ☐ (Specify):

Date: 6-10-97 SIGNATURE AND TITLE

Page 4

Robinson, Anton
 DOB 6-20-80

PATIENT INFORMATION

NAME ROBINSON, ANTON
AGE 16 DOB 06/20/80 SEX M
FASTING PHONE
LAB NO P9762192
Sample #

Olympia Medical Laboratory
3775 B Martin Way East
Olympia, Washington 98506
(360) 456-1900
800-874-2969

CLIENT INFORMATION

MAPLE LANE SCHOOL
20311 OLD HWY 9 SW
CENTRALIA, WA 98531
MAPLE LANE SCHOOL

PT. NUMBER

COLLECTED

RECEIVED

REPORTED

TESTS REQUESTED: 03/19/97 08:00 03/19/97 16:12 03/20/97 7:54AM
LI.OP, CRE.OP, HYPO.OP
14 HRS POST DOSE

COMPLETE	PARTIAL	RESULTS	UNITS	REFERENCE
		OUT OF RANGE IN RANGE		

CREATININE 1.1 mg/dl M: 0.6-1.5

Test Performed by St Peter Hospital Olympia WA 98506

LITHIUM 0.48 (L) mmol/L See Below

THERAPEUTIC: 0.5-1.5

HOURS POST MED 14

Test Performed by St Peter Hospital Olympia WA 98506

HYPOTHYROID PANEL

THYROID FUNCTION PANEL

T3 UPTAKE 48.1 (H) % 35-45
TOTAL T4 4.8 ug/dl 4.5-12.0
FREE THYROXINE INDEX 5.8 4.5-12.0

Test Performed by St Peter Hospital Olympia WA 98506

THYROID STIMULATING HORMONE

TSH 2.0 uIU/mL 0.3-4.7

Test Performed by St Peter Hospital Olympia WA 98506

*** OUT OF LIMITS RECAP ***

* LITHIUM 0.48 (L) mmol/L See Below
* THERAPEUTIC: 0.5-1.5
* T3 UPTAKE 48.1 (H) % 35-45

AL

Noted
3-23-97
RP

*** Final ***

ROBINSON, ANTON MAPLE LANE SCHOOL P9762192 03/19/97 08:00

RO WHITTEN, MD MEDICAL DIRECTOR TAX ID 911375-755 MEDICARE NO 1000855 CAP NO 2475101

PATIENT INFORMATION

NAME ROBINSON, ANTON
AGE 16 DOB 06/20/80 SEX M
FASTING PHONE
LAB NO P9762441
Sample #



Olympia Medical Laboratory
3775 B Martin Way East
Olympia, Washington 98506
(360) 456-1900
800-874-2969

CLIENT INFORMATION

MAPLE LANE SCHOOL
20311 OLD HWY 9 SW
CENTRALIA, WA 98531
MAPLE LANE SCHOOL

PT. NUMBER

COLLECTED

RECEIVED

REPORTED

PAGE

03/04/97 12:00 03/04/97 16:48

03/05/97 8:08AM

1

TESTS REQUESTED: VALPROIC.OP, CBC.OP, LVP.OP

LAST DOSE OF VALPROATE 0800 3/4/97

X

COMPLETE

PARTIAL

RESULTS

OUT OF RANGE

IN RANGE

UNITS

REFERENCE

LIVER PROFILE

BILIRUBIN, TOTAL	0.8	mg/dL	0.3-1.4
ALKALINE PHOSPHATASE	155	U/L	53-350
AST (SGOT)	28	U/L	0-50
ALT (SGPT)	23	U/L	0-50

Test Performed by St Peter Hospital Olympia WA 98506

COMPLETE BLOOD COUNT

WBC	7.7	thousand	3.5-11.0
RBC	4.89	million	3.8-5.8
HGB	14.0	g/dL	13.5-17.5
HCT	41.1	%	40-52
MCV	84.1	fL	80-100
MCH	28.6	pg	27-34
MCHC	34.0	g/dL	32.0-35.5
RDW	12.5	%	11-15
PLT	183	thousand	130-400
MPV	8.9	fL	7-11.5
NEUTROPHIL	62	%	40-80
NEUTROPHIL-ABSOLUTE	4.9		2.5-8.0
LYMPHOCYTE	28	%	15-45
LYMPHOCYTE-ABSOLUTE	2.1		1.5-4.0
MONOCYTE	8	%	2-12
MONOCYTE-ABSOLUTE	0.6		0.2-0.8
EOSINOPHILS	1	%	0-6
EOSINOPHIL-ABSOLUTE	0.1		0-0.5
BASOPHIL	1	%	0-3
BASOPHIL-ABSOLUTE	0.0		0-0.2

Test Performed by St Peter Hospital Olympia WA 98506

VALPROIC ACID 123.4 (CH) ug/ml See Below

THERAPEUTIC: 50-100

HOURS POST DOSE 0800 3/4/97

Test Performed by St Peter Hospital Olympia WA 98506

(CONTINUED)

ROBINSON, ANTON MAPLE LANE SCHOOL P9762441

03/04/97 12:00

PATIENT INFORMATION

NAME ROBINSON, ANTON
AGE 16 DOB 06/20/80 SEX M
FASTING PKOEF
LAB NO. P9762441
Sample #



Olympia Medical Laboratory
3775 B Martin Way East
Olympia, Washington 98506
(360) 456-1900
800-874-2969

CLIENT INFORMATION

MAPLE LANE SCHOOL
20311 OLD HWY 9 SW
CENTRALIA, WA 98531
MAPLE LANE SCHOOL

PT. NUMBER

COLLECTED

RECEIVED

REPORTED

PAGE

03/04/97 12:00 03/04/97 16:48

03/05/97 8:08AM

2

TESTS REQUESTED VALPROIC.OP, CBC.OP, LVP.OP
LAST DOSE OF VALPROATE 0800 3/4/97

COMPLETE

PARTIAL

RESULTS

OUT OF RANGE

IN RANGE

UNITS

REFERENCE

*** OUT OF LIMITS RECAP ***

* VALPROIC ACID 123.4 (CH) ug/mL See Below *
* THERAPEUTIC: 50-100 *

*** Final ***

ROBINSON, ANTON MAPLE LANE SCHOOL P9762441 03/04/97 12:00

R.O. WHITTEN, M.D., MEDICAL DIRECTOR FAX 1D 91-1375-755 MEDICARE NO 1000855 CAP NO 24751-01



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
821-7 • 20311 Old Hwy 9 SW • Centralia WA 98531-9699 • (206) 736-1361

REFERRAL FOR EVALUATION SERVICES

To: Nielson Date: 7-14-86

Re: Anton Robinson Staff: Zerich

Current/Previous Psychiatric Medications: _____
None

Observed Behavior Patterns: (check all that apply):

- ☐ Auditory hallucinations (hearing things not there)
☐ Visual hallucinations (seeing things not there)
☐ Olfactory hallucinations (smelling things not there)
☒ Bizarre beliefs expressed;
 ☐ beliefs of persecution (extreme suspiciousness, paranoia)
 ☒ beliefs of grandiosity
 ☐ beliefs about the physical body
 ☒ other (specify) Hates White People
☒ Confused or disoriented thinking
☒ Extreme mood variations (high vs. low energy)
☐ Marked depression
☐ Sleep disturbances (attach sleep record)
☐ Suicidal ideation or gestures
☒ Extreme anger/explosive behavior

☒ Poor peer relations

☒ predatory

☐ victim

☐ other (specify) _____

☒ Poor staff relations

☒ verbal/physical aggression

☐ manipulative (specify) _____

☒ uncooperative (passive/resistive)

☒ other (specify) Racial slurs when angry

☐ Poor personal hygiene

☐ Sexual problems (specify) _____

☐ Physical problems (specify) _____

Additional Comments/Concerns:

Father is on meds for anger control.
Anton is extremely explosive. Has
a prior Custodial Assault.

Please evaluate to see if meds are
appropriate.

Attachment “C”

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

-VS-

ANTON D ROBINSON,

Defendant.

Dec 17 3 05 PM '97

NO. 97-1-00661-7
DEPUTY

JUDGMENT AND SENTENCE
SENTENCING REFORM ACT RCW 9.94A

A sentencing hearing was held in which the defendant, the defendant's attorney, and the Deputy Prosecutor were present. The court now makes the following findings, judgment and sentence:

The defendant was found guilty by ☒ plea ☐ jury verdict ☐ bench trial of the following:

2.1 CURRENT OFFENSE(S):

An asterisk (*) denotes current offenses that are the same criminal conduct (RCW 9.94A.400).

Count	Crime Charged	RCW	Date of Crime
I	1st Degree Rape with a Firearm Enhancement	9A.44.040 9.94A.125	7/12/97
II	2nd Degree Rape with a Firearm Enhancement	9A.44.050 9.94A.125	7/12/97
III	1st Degree Robbery with a Firearm Enhancement	9A.56.020(1) 9A.56.190 9.94A.125	7/13/97

2.2 CRIMINAL HISTORY (RCW 9.94A.360):

An asterisk (*) denotes prior convictions that are the same criminal conduct (RCW 9.94A.360).

Crime	Date of Crime	Date of Sentence	Sentencing Court	Juv (X)
2nd Degree Robbery	7/9/95	7/10/95	Kitsap, WA	x
Delivery of a Controlled Substance	5/13/96	6/11/96	Kitsap, WA	x

2.3 SENTENCING DATA:

Count	Offender Score	Seriousness level	Standard Range	Days (X)	Months (X)	Enhancements F=firearm D=deadly weapon V=VUCSA zone		Standard Range with Enhancements (Months)
						Type	Mos.	
I	7	XI	159-211		x	D	60	159 to 211 + 60 mo. *
II	7	IV	108-144		x	D	60	108 to 144 + 60 mo.

50

III	6	IX	77-102		x	D	60	77 to 102 + 60 mo.
-----	---	----	--------	--	---	---	----	-----------------------

* Total firearm enhancement of 180 months will be served consecutive to the total sentence imposed, making total sentence range of 339-391

- ☐ 4.6 **FIRST OFFENDER (9.94A.125):** The defendant is a First Offender. The standard range is waived and the defendant is sentenced within a range of 0-90 days and will be placed on community supervision for 24 months.
- ☐ 4.6 **SSOSA: SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE (RCW 9.94A.120):** The defendant is a sex offender and is sentenced under SSOSA. The execution of the sentence of confinement is suspended and the defendant is placed on *community custody*.
- ☐ 4.6 **DOSA: SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (RCW 9.94A.120):** The standard range is waived and the court imposes a sentence of half the midpoint of the standard range. Work release is authorized if defendant is eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release. RCW 9.94A.180.
- ☐ 4.8 **WORK ETHIC CAMP (RCW 9.94A.137 and 72.09.410):** The court finds that defendant is eligible and is likely to qualify for work ethic camp. If the defendant successfully completes work ethic camp, DOC shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp to three days of total standard confinement and the defendant shall be released on *community custody* for any remaining time of total confinement subject to the conditions of community custody. Violation of the conditions of community custody may result in a return to total confinement for the balance of defendant's remaining time of total confinement.
- ☐ 2.4 **EXCEPTIONAL SENTENCE:** Substantial and compelling reasons exist justifying a sentence ☐ above ☐ below the standard range for count(s) _____. The Prosecutor ☐ did ☐ did not recommend a similar sentence. ☐ The exceptional sentence was stipulated by the prosecutor and the defendant. Findings of Fact and Conclusions of Law entered in support of the exceptional sentence are incorporated by reference.
- ☐ 4.6 **PERSISTENT OFFENDER:** The defendant is a Persistent Offender as defined by RCW 9.94A.030 and 9.94A.120 and is sentenced to life without the possibility of parole.

Count 1: <u>185</u> <input type="checkbox"/> days <input checked="" type="checkbox"/> months
Count 1: <u>126</u> <input type="checkbox"/> days <input checked="" type="checkbox"/> months
Count 1: <u>89.5</u> <input type="checkbox"/> days <input checked="" type="checkbox"/> months

*Sentences over 12 months will be served in Department of Corrections and sentences 12 months or under will be served in the Kitsap County Corrections Center unless otherwise indicated.

IF MULTIPLE COUNTS: Total confinement ordered: <u>365</u> <input type="checkbox"/> days <input checked="" type="checkbox"/> months COUNTS SERVED: <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Firearm, Deadly Weapon, and VUCSA enhancements served consecutive; the remainder concurrent.
--

- ☐ **COMMUNITY SERVICE:** _____ days converted to _____ hours of community service at a rate of 8 hours per day ☐ on a schedule set by the defendant's community Corrections Officer or ☐ at a rate of not less than _____ hours per month. RCW 9.94A.120, 380.

- ☐ **PARTIAL CONFINEMENT:** The confinement ordered may be converted to: ☐ **Work Release** (RCW 9.94A.180)
☐ **Home Detention** (RCW 9.94A.180, .190).

- ☒ **CREDIT FOR TIME SERVED (RCW 9.94A.120):** The defendant shall receive credit for time served prior to sentencing solely for this cause number as computed by the jail unless specifically set forth: _____ ☒ DAYS.

NO CONTACT ORDER

- ☒ **4.4 NO CONTACT ORDER:** The defendant shall not have contact with the following for the statutory maximum period of life years:
- ☒ Individuals (include name and DOB): B.W. (dob 10-10-100) Bradley Nickerson (dob 3-24-54)
John J. McLothar (dob 6-5-80)
- ☐ Any persons who use, possess, manufacture, sell or buy illegal controlled substances or drugs.
- ☐ Any minor children under the age of 18 without the presence of an adult who is knowledgeable of this conviction and who has been approved by the defendant's CCO.
- ☐ Business: _____

Under this order, "contact" includes any attempted or actual contact, including surveillance, written or other correspondence, telephonic, or contact through a third party. *The defendant can be arrested even if the listed person(s) or business(es) invite the defendant to violate this order's prohibitions. The defendant has the sole responsibility to avoid or refrain from violating the provision so of this order. Only the court can change this order.*

- ☐ **DOMESTIC VIOLENCE NO CONTACT ORDER:** The court finds this is a domestic violence offense pursuant to RCW 10.99.020. The conditions in the no contact order 4.4 above are incorporated by reference. In addition, *violation of the provisions of this order is a criminal offense under RCW 26.50 and 10.31; and any assault or reckless endangerment in violation of this order is a felony.*

SUPERVISION

- ☐ **4.6 COMMUNITY SUPERVISION (RCW 9.94A.120(5)(11) and 9.94A.383):** Defendant shall be on community supervision for ☐ 12 ☐ 24 months. Defendant shall report to DOC no later than 72 hours after release from custody and comply with all other conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE.
- ☒ **4.7 COMMUNITY PLACEMENT AND COMMUNITY CUSTODY (RCW 9.94A.120):** Community placement or community custody is ordered for the period of time provided by law. *Community placement* is ordered for a community placement eligible offense (e.g. serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, offenses under Chapter 69.50 or 69.52 RCW; or *community custody* is ordered for a sex offense or to follow **work ethic camp** if imposed, and standard mandatory conditions are ordered. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Defendant shall comply with all other conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE.
- ☐ **4.6 SSOSA - COMMUNITY CUSTODY (RCW 9.94A.120):** The execution of this sentence is suspended and defendant is placed on community custody under the charge of DOC for the length of the suspended sentence or three years, whichever is greater. Defendant shall report to DOC no later than 72 hours after release from custody and comply with all other conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE. If the defendant violates the conditions of the suspended sentence or the court finds that the defendant is

not making satisfactory progress in treatment, the court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence, and shall impose conditions of community placement pursuant to RCW 9.94A.120. A *Treatment Termination Hearing*. (RCW 9.94A.120) is scheduled three months prior to the anticipated date for completion of treatment: _____

- ☐ 4.6 **DOSA - COMMUNITY CUSTODY AND COMMUNITY SUPERVISION (RCW 9.94A.120):** Defendant shall serve 12 months concurrent community custody and community supervision; report to the Department of Corrections (DOC) not later than 72 hours after release from custody; and comply with all other conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE. If the defendant violates any of the sentence conditions, DOC shall impose sanctions administratively, unless a violation hearing is requested by the court or prosecutor. If a court finds that the conditions have been wilfully violated, the court may impose confinement conditions consisting of up to the remaining one-half of the midpoint of the standard range. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by this court.

SUPERVISION SCHEDULE

Conditions are applicable only when headings are "checked".

The Defendant Shall:

☒ STANDARD

- ☒ Comply with all instructions, conditions, rules and regulations of DOC and CCO.
- ☒ Report to and be available for contact with the assigned CCO as directed.
- ☒ Notify the court or CCO in advance of any change in address or employment and remain within prescribed geographical boundaries.
- ☒ Pay the monthly community supervision assessment required by DOC.
- ☒ Comply with the no contact orders including any in this judgment and sentence.

☒ Possess no weapons including, but not limited to, firearms and knives.
☒ Submit to random searches of person, residence, property, vehicle
maintain curfew at direction of CCO

☐ FIRST OFFENDER

- ☒ Obey all laws
- ☒ Devote time to specific employment or occupation.
- ☒ Pursue a prescribed, secular course of study or vocational training.
- ☐ Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for the offense.

☒ COMMUNITY PLACEMENT/COMMUNITY CUSTODY

- ☒ Work at DOC approved education, employment and/or community service.
- ☒ Not consume controlled substances except pursuant to lawfully issued prescriptions.
- ☒ Not unlawfully possess controlled substances while in community custody. submit to random services to monitor compliance
- ☒ Have all residence location and living arrangements approved by DOC.
- ☒ Do not consume alcohol if directed BY the CCO.
- ☒ Participate in crime-related treatment or counseling services as directed by CCO and submit to random UAs and breath tests at own expense to monitor compliance.

☐ SSOSA

- ☐ Devote time to specific employment or occupation.
- ☐ Make recoupment to victim for cost of any crime-related counseling.
- ☐ Successfully complete ☐ outpatient ☐ inpatient sex offender treatment program with treatment provider noted below for a period of _____

Defendant shall not change sex offender treatment providers or treatment without first notifying the prosecutor, CCO, and the court, and shall not change providers without court approval after a hearing if the prosecutor or CCO object to the change.

Treatment Provider: _____

☒ SEX-CRIME RELATED

- ☒ Possess no pornography as defined by CCO or treatment official.
Shannon attend related movies, strip shows or adult work shows
- ☒ Do not loiter or frequent places where children congregate including, but not limited to, shopping malls, schools, playgrounds, and video arcades.
- ☐ Do not participate in youth programs, including, but not limited to, scouting, athletic, and school programs.
- ☒ Submit to periodic polygraph and plethysomograph examinations at own expense at the request of the CCO or any treatment provider.
- ☒ Do not hitchhike or pick up hitchhikers.

☒ Submit to HIV & DNA blood draw / testing
☒ Register as sex offender

☒ ALCOHOL/DRUGS

- ☒ Do not possess or consume alcohol.
- ☒ Do not enter bars, taverns or lounges or other places where alcohol is the chief item of sale.
- ☒ Do not possess or use illegal drugs and drug paraphernalia.
- ☒ Submit to random UA and breath testing at own expense at the request of CCO.
- ☒ Submit to random search of person, residence or vehicles at the CCO's request.
- ☐ Install ignition interlock device as directed by CCO. RCW 46.20.710-750.
- ☒ shall not frequent areas known for drug activity as defined in 750
- ☐ Successfully complete an ☐ outpatient ☐ inpatient substance abuse program for ☐ alcohol ☐ drugs ☐ alcohol and drugs at the direction of the CCO and treatment provider. CCO

☒ PROGRAMS/ASSAULT

- ☐ Successfully complete a certified domestic violence perpetrators program.
- ☐ Have no assaultive behavior.
- ☒ Successfully complete an anger management class.
- ☐ Successfully complete a victim's awareness program.
- ☐ Participate in DOC programs and classes at direction of CCO with hour for hour credit given towards community service provider

☐ DOSA

- ☐ Devote time to a specific employment or training.
- ☐ Stay out of areas designated by the sentencing judge.
- ☐ Successfully complete a drug offender treatment program as specified by DOC.

☐ FINANCIAL GAIN

- ☐ Commit no thefts.
- ☐ Not possess any stolen property.
- ☐ Have no checking account or possess any blank or partially blank checks.
- ☐ Not seek or maintain employment or in a volunteer organization where defendant has access to cash, checks, accounts receivable or payable, or books without the prior written permission of the CCO after notifying employer in writing if this conviction.
- ☐ Not use the name of any other person other than defendant's true name on any document, written instrument, check, refund slip or similar written instrument.
- ☐ Not possess any identification in any other name other than defendant's true name.
- ☐ Not possess any credit cards or access devices belonging to others or with false names.
- ☐ Not cause to be refunded any articles except with the written permission of CCO.
- ☐ Take a polygraph test as requested by CCO to monitor compliance with supervision.

☒ OTHER obtain written mental health evaluation from qualified treatment provider and complete all treatment recommendations made therein as approved of and directed by the CCO; sexual deviancy therapy

FINANCIAL OBLIGATIONS

4.1 LEGAL FINANCIAL OBLIGATIONS: The court finds that the defendant has the ability or likely future ability to pay legal financial obligations. RCW 9.94A.142. The defendant shall pay by cash, money order, or certified check to the Superior Court Clerk at 614 Division Street, MS 34, Port Orchard, WA 98366, as indicated:

\$500 Victim Assessment, RCW 7.68.035 [PCV]	<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 (for subsequent drug conviction) Contribution to SIU
\$825 Court appointed attorney fees (RCW 9.94A.030) [PUB]	<input checked="" type="checkbox"/> \$500 contribution to the Kitsap County Child Advocacy Center <i>(for sex and sexual motivation offenses)</i>
\$110 Filing Fee [FRC]	<input type="checkbox"/> \$100 contribution to Anti-Profitteering Fund of Kitsap County Prosecuting Attorney's Office <i>(for crimes committed for financial gain, RCW 9A.82.010, .110)</i>
\$100 Contribution to the Kitsap County Expert Witness Fund (Kitsap County Ordinance 139.1991)	<input type="checkbox"/> \$100 Crime Lab Fee
\$_____ Sheriff service/subpoena fees [SFR/SFS/SFW/SRF]	<input type="checkbox"/> \$3,000 Methamphetamine Cleanup fine (RCW 69.50.440, 401(a)(1)(iii))
\$_____ Witness Costs [WFR]	<input type="checkbox"/> Other: _____
\$_____ Jury Demand fee [JFR]	
\$_____ Court appointed defense fees/other defense costs (RCW 9.94A.030) [WRF]	

RESTITUTION: Unless otherwise stated herein, to be set by separate order(s) consistent with the plea agreement:

\$_____ to _____
 \$_____ to _____

☒ **Joint and Several** (note co-defendant and cause number)

Co-defendant(s): John T McWhorter, Cause No.: 97-1-00660-9

☒ **REMAINING LEGAL FINANCIAL OBLIGATIONS AND RESTITUTION:** The legal financial obligations and/or restitution noted above may not be complete and are subject to future order by the court.

PAYMENT SCHEDULE (RCW 9.94A.145): All payments shall commence immediately and be made in accordance with policies of the clerk and on a schedule established by the CCO unless otherwise stated: \$_____ per month commencing 60 days following release from custody or on _____

☒ **UNPAID LFOs:** Defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190.

OTHER

☒ **4.2 HIV TESTING:** DOC or a designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

- ☒ **4.2 DNA TESTING:** The defendant shall have a blood sample drawn for DNA identification and the defendant shall fully cooperate in the testing. The appropriate agency, the county, or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.
- ☒ **DEPARTMENT OF LICENSING NOTICE** - Motor vehicle used in crime. RCW 46.52.100.
- ☒ **FORFEITURE:** Forfeit all seized property referenced in the discovery unless otherwise stated.
- ☒ **4.10 COMPLIANCE WITH SENTENCE.** Defendant shall perform all affirmative acts necessary for DOC to monitor compliance with all of the terms of this Judgment and Sentence.
- ☒ **JOINT AGREEMENTS IN THE PLEA AGREEMENT:** Are in full force and effect unless otherwise stated in this judgment and sentence.
- ☒ **EXONERATION OF BAIL:** Any bail, bond, and/or conditions of personal recognizance are hereby exonerated.

NOTICES AND SIGNATURES

- 5.1 COLLATERAL ATTACK ON JUDGMENT:** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100, RCW 10.73.090.
- 5.2 LENGTH OF SUPERVISION.** The defendant shall remain under the court's jurisdiction and the supervision of DOC for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations. The court's jurisdiction may be extended for an additional period of up to ten (10) years to assure payment of all legal financial obligations. RCW 9.94A.145.
- 5.3 NOTICE OF INCOME-WITHHOLDING ACTION:** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the DOC may issue a notice of a payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.200.010. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.200.030.

FINANCIAL OBLIGATIONS - INTEREST/ADDITIONAL COSTS: The financial obligations in this judgment shall bear interest from the date of the judgment until paid in full at the rate applicable to civil judgments. An award of costs of appeal may be added to the total legal financial obligations. RCW 10.82.090, RCW 10.73.

- 5.5 ANY VIOLATION OF JUDGMENT AND SENTENCE:** Is punishable by up to 60 days of confinement per violation. RCW 9.94A.200.

Cross Off if Not Applicable:

5.6 FIREARMS: You must immediately surrender any concealed pistol license and you may not own, use, or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047.

5.7 **OFFENDER REGISTRATION. (RCW 9A.44.130, 10.01.200):** Because this crime involves a sex offense or a kidnaping offense, you are required to register with the sheriff of the county of the State of Washington where you reside. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of that change of residence to the sheriff at least 14 days before moving. If you change your residence to a new county within this state, you must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence. You must register with the sheriff of the new county within 24 hours of moving and you must also give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

5.8 **PERSISTENT OFFENDER. "Three Strike" Warning:** You have been convicted of an offense that is classified as a "most serious offense" under RCW 9.94A.030. A third conviction in Washington State of a most serious offense, regardless of whether the first two convictions occurred in a federal or non-Washington state court, will render you a "persistent offender."

"Two Strike" Warning: In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnaping in the first degree, kidnaping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or a burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and that you have at least one prior conviction for one of these listed crimes in this state, federal court, or elsewhere, this will render you a "persistent offender."

Persistent Offender Sentence: A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. RCW 9.94A.120(4).

Date: 12-17-97

JUDGE Print Name:

TERRY K. McCLUSKEY

Deputy Prosecuting Attorney

WSBA # 18236

Print Name: JONES, GEORGE

Defendant [] By initialing this box, I agree to waive my right to be present at any restitution proceedings.

refused

Attorney for Defendant

WSBA # 9601

Print Name: STEVEN L. OLSEN

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me other wise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

IDENTIFICATION OF DEFENDANT

SID No. 17698407

DOB: 06/20/80

RACE/ETHNICITY: B

SEX: M





FBI No. _____

Other: _____

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court: Vicki Jaber, Deputy Clerk. Dated: DEC 17 1997

DEFENDANT'S SIGNATURE: refused

Left 4 fingers taken simultaneously	Left Thumb	Right Thumb	Right 4 fingers taken simultaneously
			

Distribution:	
Original	Court Clerk
1 copy	Prosecutor
1 copy	DOC
1 copy	Defense Atty.
1 copy	Pros stat keeper

Attachment “D”

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

-vs-

ANTON D. ROBINSON,

Defendant.

FEB 2 2 03 PM '98

NO. 97-1-01131-9

PIET L. FREIDENSTEIN
DEPUTY

JUDGMENT AND SENTENCE
SENTENCING REFORM ACT RCW 9.94A

A sentencing hearing was held in which the defendant, the defendant's attorney, and the Deputy Prosecutor were present. The court now makes the following findings, judgment and sentence:

The defendant was found guilty by ☒ plea ☐ jury verdict ☐ bench trial of the following:

2.1 CURRENT OFFENSE(S):

An asterisk (*) denotes current offenses that are the same criminal conduct (RCW 9.94A.400).

Count	Crime Charged	RCW	Date of Crime
I	ASSAULT IN THE SECOND DEGREE	9A.36.021	11/1/97

2.2 CRIMINAL HISTORY (RCW 9.94A.360):

An asterisk (*) denotes prior convictions that are the same criminal conduct (RCW 9.94A.360).

Crime	Date of Crime	Date of Sentence	Sentencing Court	Juv (X)
RAPE 1		7/12/97	KITSAP	
RAPE 2		7/12/97	KITSAP	
ROBBERY 1		7/13/97	KISAP	
DEL OF A CONTROLLED SUBSTANCE		5/13/96	KITSAP	X
ROBBERY 2		7/9/95	KITSAP	X

2.3 SENTENCING DATA:

Count	Offender Score	Seriousness level	Standard Range	Days (X)	Months (X)	Enhancements F=firearm D=deadly weapon V=VUCSA zone		Standard Range with Enhancements (Months)
						Type	Mos.	
1	8	4	53-70		X			53-70

- ☐ 4.6 FIRST OFFENDER (9.94A.125): The defendant is a First Offender. The standard range is waived and the defendant is sentenced within a range of 0-90 days and will be placed on community supervision for 24 months.

27

- ☐ 4.6 **SSOSA: SPECIAL SEXUAL OFFENDER SENTENCING ALTERNATIVE (RCW 9.94A.120):** The defendant is a sex offender and is sentenced under SSOSA. The execution of the sentence of confinement is suspended and the defendant is placed on *community custody*.
- ☐ 4.6 **DOSA: SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (RCW 9.94A.120):** The standard range is waived and the court imposes a sentence of half the midpoint of the standard range. Work release is authorized if defendant is eligible and approved. If the midpoint of the standard range is 24 months or less, no more than three months may be served in work release. RCW 9.94A.180.
- ☐ 4.8 **WORK ETHIC CAMP (RCW 9.94A.137 and 72.09.410):** The court finds that defendant is eligible and is likely to qualify for work ethic camp. If the defendant successfully completes work ethic camp, DOC shall convert the period of work ethic camp confinement at the rate of one day of work ethic camp to three days of total standard confinement and the defendant shall be released on *community custody* for any remaining time of total confinement subject to the conditions of community custody. Violation of the conditions of community custody may result in a return to total confinement for the balance of defendant's remaining time of total confinement.
- ☐ 2.4 **EXCEPTIONAL SENTENCE:** Substantial and compelling reasons exist justifying a sentence ☐ above ☐ below the standard range for count(s) _____. The Prosecutor ☐ did ☐ did not recommend a similar sentence. ☐ The exceptional sentence was stipulated by the prosecutor and the defendant. Findings of Fact and Conclusions of Law entered in support of the exceptional sentence are incorporated by reference.
- ☐ 4.6 **PERSISTENT OFFENDER:** The defendant is a Persistent Offender as defined by RCW 9.94A.030 and 9.94A.120 and is sentenced to life without the possibility of parole.

Count 1: 65 ☐ days ☒ months *consecutive to any other sentence*

*Sentences over 12 months will be served in Department of Corrections and sentences 12 months or under will be served in the Kitsap County Corrections Center unless otherwise indicated.

IF MULTIPLE COUNTS: Total confinement ordered: _____ ☐ days ☐ months

COUNTS SERVED: ☐ Concurrent ☐ Consecutive ☐ Firearm, Deadly Weapon, and VUCSA enhancements served consecutive; the remainder concurrent.

- ☐ **COMMUNITY SERVICE:** _____ days converted to _____ hours of community service at a rate of 8 hours per day ☐ on a schedule set by the defendant's community Corrections Officer or ☐ at a rate of not less than _____ hours per month. RCW 9.94A.120, 380.
- ☐ **PARTIAL CONFINEMENT:** The confinement ordered may be converted to: ☐ Work Release (RCW 9.94A.180) ☐ Home Detention (RCW 9.94A.180, 190).
- ☐ **CREDIT FOR TIME SERVED (RCW 9.94A.120):** The defendant shall receive credit for time served prior to sentencing solely for this cause number as computed by the jail unless specifically set forth: _____ ☒ DAYS.

NO CONTACT ORDER

- ☒ 4.4 **NO CONTACT ORDER:** The defendant shall not have contact with the following for the statutory maximum period of 12 years:
- ☒ Individuals (include name and DOB): Brian Christensen 1/10/76

-
- ☐ Any persons who use, possess, manufacture, sell or buy illegal controlled substances or drugs.
 - ☐ Any minor children under the age of 18 without the presence of an adult who is knowledgeable of this conviction and who has been approved by the defendant's CCO.
 - ☐ Business: _____
-

Under this order, "contact" includes any attempted or actual contact, including surveillance, written or other correspondence, telephonic, or contact through a third party. *The defendant can be arrested even if the listed person(s) or business(es) invite the defendant to violate this order's prohibitions. The defendant has the sole responsibility to avoid or refrain from violating the provision so of this order. Only the court can change this order.*

- ☐ **DOMESTIC VIOLENCE NO CONTACT ORDER:** The court finds this is a domestic violence offense pursuant to RCW 10.99.020. The conditions in the no contact order 4.4 above are incorporated by reference. In addition, *violation of the provisions of this order is a criminal offense under RCW 26.50 and 10.31; and any assault or reckless endangerment in violation of this order is a felony.*

SUPERVISION

- ☐ **4.6 COMMUNITY SUPERVISION (RCW 9.94A.120(5)(11) and 9.94A.383):** Defendant shall be on community supervision for ☐ 12 ☐ 24 months. Defendant shall report to DOC no later than 72 hours after release from custody and comply with all other conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE.
- ☒ **4.7 COMMUNITY PLACEMENT AND COMMUNITY CUSTODY (RCW 9.94A.120):** Community placement or community custody is ordered for the period of time provided by law. *Community placement* is ordered for a community placement eligible offense (e.g. serious violent offense, second degree assault, any crime against a person with a deadly weapon finding, offenses under Chapter 69.50 or 69.52 RCW; or *community custody* is ordered for a **sex offense** or to follow **work ethic camp** if imposed, and standard mandatory conditions are ordered. Community custody for sex offenders may be extended for up to the statutory maximum term of the sentence. Defendant shall comply with all other conditions stated in this Judgement and Sentence including those checked in the SUPERVISION SCHEDULE.
- ☐ **4.6 SSOSA - COMMUNITY CUSTODY (RCW 9.94A.120):** The execution of this sentence is suspended and defendant is placed on community custody under the charge of DOC for the length of the suspended sentence or three years, whichever is greater. Defendant shall report to DOC no later than 72 hours after release form custody and comply with all other conditions stated in this Judgment and Sentence including those checked in the SUPERVISION SCHEDULE. If the defendant violates the conditions of the suspended sentence or the court finds that the defendant is not making satisfactory progress in treatment, the court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence, and shall impose conditions of community placement pursuant to RCW 9.94A.120. A *Treatment Termination Hearing*. (RCW 9.94A.120) is scheduled three months prior to the anticipated dat for completion of treatment: _____

SUPERVISION SCHEDULE

Conditions are applicable only when headings are "checked".

The Defendant Shall:

☒ **STANDARD**

- ▶ Comply with all instructions, conditions, rules and regulations of DOC and CCO.
- ▶ Report to and be available for contact with the assigned CCO as directed.
- ▶ Notify the court or CCO in advance of any change in address or employment and remain within prescribed geographical boundaries.
- ▶ Pay the monthly community supervision assessment required by DOC.
- ▶ Comply with the no contact orders including any in this judgment and sentence.

- ☒ Possess no weapons including, but not limited to, firearms and knives.
- ☒ Comply with the following crime-related prohibitions: community

☐ **FIRST OFFENDER**

- ▶ Obey all laws
 - ▶ Devote time to specific employment or occupation.
 - ▶ Pursue a prescribed, secular course of study or vocational training.
- ☐ Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for the offense.

☒ **COMMUNITY PLACEMENT/COMMUNITY CUSTODY**

- ▶ Work at DOC approved education, employment and/or community service.
- ▶ Not consume controlled substances except pursuant to lawfully issued prescriptions.
- ▶ Not unlawfully possess controlled substances while in community custody.
- ▶ Have all residence location and living arrangements approved by DOC.
- ▶ Do not consume alcohol if directed BY the CCO.
- ▶ Participate in crime-related treatment or counseling services as directed by CCO and submit to random UAs and breath tests at own expense to monitor compliance.

☐ **SSOSA**

- ▶ Devote time to specific employment or occupation.
- ▶ Make recoupment to victim for cost of any crime-related counseling.
- ▶ Successfully complete ☐ outpatient ☐ inpatient sex offender treatment program with treatment provider noted below for a period of _____

Defendant shall not change sex offender treatment providers or treatment without first notifying the prosecutor, CCO, and the court, and shall not change providers without court approval after a hearing if the prosecutor or CCO object to the change.

Treatment Provider: _____

☐ **SEX-CRIME RELATED**

- ☐ Possess no pornography as defined by CCO or treatment official.
- ☐ Do not loiter or frequent places where children congregate including, but not limited to, shopping malls, schools, playgrounds, and video arcades.
- ☐ Do not participate in youth programs, including, but not limited to, scouting, athletic, and school programs.
- ☐ Submit to periodic polygraph and plethysmograph examinations at own expense at the request of the CCO or any treatment provider.
- ☐ Do not hitchhike or pick up hitchhikers.

☐ **ALCOHOL/DRUG**

- ☐ Do not possess or consume alcohol.
- ☐ Do not enter bars, taverns or lounges or other places where alcohol is the chief item of sale.
- ☐ Do not possess or use illegal drugs and drug paraphernalia.
- ☐ Submit to random UA and breath testing at own expense at the request of CCO.
- ☐ Submit to random search of person, residence or vehicles at the CCO's request.
- ☐ Install ignition interlock device as directed by CCO. RCW 46.20.710-.750.

- ☐ Successfully complete an ☐ outpatient ☐ inpatient substance abuse program for ☐ alcohol ☐ drugs ☐ alcohol and drugs at the direction of the CCO and treatment provider.

☐ **PROGRAMS/ASSAULT**

- ☐ Successfully complete a certified domestic violence perpetrators program.
- ☐ Have no assaultive behavior.
- ☐ Successfully complete an anger management class.
- ☐ Successfully complete a victim's awareness program.
- ☐ Participate in DOC programs and classes at direction of CCO with hour for hour credit given towards community service provider

☐ **DOSA**

- ▶ Devote time to a specific employment or training.
- ▶ Stay out of areas designated by the sentencing judge.
- ▶ Successfully complete a drug offender treatment program as specified by DOC.

☐ **FINANCIAL GAIN**

- ☐ Commit no thefts.
- ☐ Not possess any stolen property.
- ☐ Have no checking account or possess any blank or partially blank checks.
- ☐ Not seek or maintain employment or in a volunteer organization where defendant has access to cash, checks, accounts receivable or payable, or books without the prior written permission of the CCO after notifying employer in writing if this conviction.
- ☐ Not use the name of any other person other than defendant's true name on any document, written instrument, check, refund slip or similar written instrument.
- ☐ Not possess any identification in any other name other than defendant's true name.
- ☐ Not possess any credit cards or access devices belonging to others or with false names.
- ☐ Not cause to be refunded any articles except with the written permission of CCO.
- ☐ Take a polygraph test as requested by CCO to monitor compliance with supervision.

☐ **OTHER** _____

FINANCIAL OBLIGATIONS

4.1 LEGAL FINANCIAL OBLIGATIONS: The court finds that the defendant has the ability or likely future ability to pay legal financial obligations. RCW 9.94A.142. The defendant shall pay by cash, money order, or certified check to the Superior Court Clerk at 614 Division Street, MS 34, Port Orchard, WA 98366, as indicated:

\$1000 Victim Assessment, RCW 7.68.035 [PCV]	<input type="checkbox"/> \$1,000 <input type="checkbox"/> \$2,000 (for subsequent drug conviction) Contribution to SIU
\$250 Court appointed attorney fees (RCW 9.94A.030) [PUB]	<input type="checkbox"/> \$500 contribution to the Kitsap County Child Advocacy Center <i>(for sex and sexual motivation offenses)</i>
\$100 Filing Fee [FRC]	<input type="checkbox"/> \$100 contribution to Anti-Profiteering Fund of Kitsap County Prosecuting Attorney's Office <i>(for crimes committed for financial gain, RCW 9A.82.010, .110)</i>
\$100 Contribution to the Kitsap County Expert Witness Fund (Kitsap County Ordinance 139.1991)	<input type="checkbox"/> \$100 Crime Lab Fee
\$_____ Sheriff service/subpoena fees [SFR/SFS/SFW/SRF]	<input type="checkbox"/> \$3,000 Methamphetamine Cleanup fine (RCW 69.50.440, 401(a)(1)(iii))
\$_____ Witness Costs [WFR]	<input type="checkbox"/> Other: _____
\$_____ Jury Demand fee [JFR]	
\$_____ Court appointed defense fees/other defense costs (RCW 9.94A.030) [WRF]	

RESTITUTION: Unless otherwise stated herein, to be set by separate order(s) consistent with the plea agreement:

\$_____ to _____
 \$_____ to _____

☐ **Joint and Several** (note co-defendant and cause number)
 Co-defendant(s): _____, Cause No.: _____

☐ **REMAINING LEGAL FINANCIAL OBLIGATIONS AND RESTITUTION:** The legal financial obligations and/or restitution noted above may not be complete and are subject to future order by the court.

PAYMENT SCHEDULE (RCW 9.94A.145): All payments shall commence immediately and be made in accordance with policies of the clerk and on a schedule established by the CCO unless otherwise stated: \$_____ per month commencing 60 days following release from custody or on _____.

☒ **UNPAID LFOs:** Defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190.

OTHER

☐ **4.2 HIV TESTING:** DOC or a designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

☒ **4.2 DNA TESTING:** The defendant shall have a blood sample drawn for DNA identification and the defendant shall fully cooperate in the testing. The appropriate agency, the county, or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

☐ **DEPARTMENT OF LICENSING NOTICE** - Motor vehicle used in crime. RCW 46.52.100.

☐ **FORFEITURE:** Forfeit all seized property referenced in the discovery unless otherwise stated.

☐ **4.10 COMPLIANCE WITH SENTENCE.** Defendant shall perform all affirmative acts necessary for DOC to monitor compliance with all of the terms of this Judgment and Sentence.

☒ **JOINT AGREEMENTS IN THE PLEA AGREEMENT:** Are in full force and effect unless otherwise stated in this judgment and sentence.

☒ **EXONERATION OF BAIL:** Any bail, bond, and/or conditions of personal recognizance are hereby exonerated.

NOTICES AND SIGNATURES

5.1 **COLLATERAL ATTACK ON JUDGMENT:** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100, RCW 10.73.090.

5.2 **LENGTH OF SUPERVISION.** The defendant shall remain under the court's jurisdiction and the supervision of DOC for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations. The court's jurisdiction may be extended for an additional period of up to ten (10) years to assure payment of all legal financial obligations. RCW 9.94A.145.

5.3 **NOTICE OF INCOME-WITHHOLDING ACTION:** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the DOC may issue a notice of a payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.200.010. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.200.030.

FINANCIAL OBLIGATIONS - INTEREST/ADDITIONAL COSTS: The financial obligations in this judgment shall bear interest from the date of the judgment until paid in full at the rate applicable to civil judgments. An award of costs of appeal may be added to the total legal financial obligations. RCW 10.82.090, RCW 10.73.

5.5 **ANY VIOLATION OF JUDGMENT AND SENTENCE:** Is punishable by up to 60 days of confinement per violation. RCW 9.94A.200.

Cross Off if Not Applicable:

5.6 **FIREARMS:** You must immediately surrender any concealed pistol license and you may not own, use, or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047.

5.7 **OFFENDER REGISTRATION. (RCW 9A.44.130, 10.01.200):** Because this crime involves a sex offense or a kidnaping offense, you are required to register with the sheriff of the county of the State of Washington where you reside. You must register immediately upon being sentenced unless you are in custody, in which case you must register within 24 hours of your release.

If you leave the state following your sentencing or release from custody but later move back to Washington, you must register within 30 days after moving to this state or within 24 hours after doing so if you are under the jurisdiction of this state's Department of Corrections.

If you change your residence within a county, you must send written notice of that change of residence to the sheriff at least 14 days before moving. If you change your residence to a new county within this state, you must send written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence. You must register with the sheriff of the new county within 24 hours of moving and you must also give written notice of your change of address to the sheriff of the county where last registered within 10 days of moving.

5.8 **PERSISTENT OFFENDER. "Three Strike" Warning:** You have been convicted of an offense that is classified as a "most serious offense" under RCW 9.94A.030. A third conviction in Washington State of a most serious offense, regardless of whether the first two convictions occurred in a federal or non-Washington state court, will render you a "persistent offender."

"Two Strike" Warning: In addition, if this offense is (1) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnaping in the first degree, kidnaping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or a burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and that you have at least one prior conviction for one of these listed crimes in this state, federal court, or elsewhere, this will render you a "persistent offender."

Persistent Offender Sentence: A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. RCW 9.94A.120(4).

Date: 2/2/98

JUDGE Print Name: Anton Robinson

Defendant [] By initialing this box, I agree to waive my right to be present at any restitution proceedings.

Al R
Deputy Prosecuting Attorney

WSBA # 10267

Print Name: Al R

Henry
Attorney for Defendant

WSBA # 10928

Print Name: Henry

Translator signature/Print name: _____

I am a certified interpreter of, or the court has found me other wise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

IDENTIFICATION OF DEFENDANT

SID No.

DOB: 06/20/80

RACE/ETHNICITY: B

SEX: M

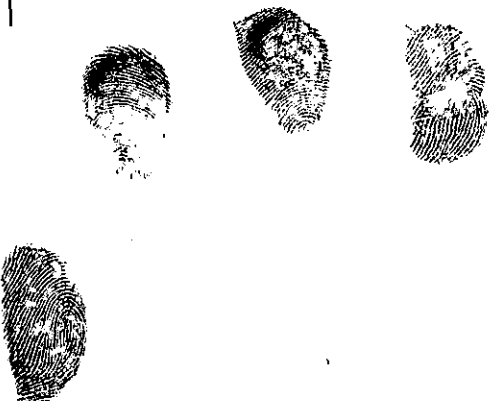



FBI No. _____

Other: _____

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court: D. H. [Signature], Deputy Clerk. Dated: FEB 02 1998

DEFENDANT'S SIGNATURE: x Anton Robinson

Left 4 fingers taken simultaneously	Left Thumb	Right Thumb	Right 4 fingers taken simultaneously
			

Distribution:	
Original	Court Clerk
1 copy	Prosecutor
1 copy	DOC
1 copy	Defense Atty.
1 copy	Pros stat keeper

Attachment “E”

FILED
KITSAP COUNTY CLERK

OCT 31 11 06 AM '97

RUSSELL D. HAUGE
KITSAP COUNTY PROSECUTING ATTORNEY
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. 97-1-00661-7

-vs-

ANTON D. ROBINSON aka
"YELLOWJACKET",

AMENDED INFORMATION

Defendant.

I, IONE S. GEORGE, Deputy Prosecuting Attorney in and for the County of Kitsap, State of Washington, come now in the name of and by the authority of the State of Washington, and by this AMENDED INFORMATION do accuse ANTON D. ROBINSON aka "YELLOWJACKET" of the crime(s) of FIRST DEGREE RAPE with FIREARM ENHANCEMENT, SECOND DEGREE RAPE with FIREARM ENHANCEMENT and FIRST DEGREE ROBBERY with FIREARM ENHANCEMENT committed as follows:

I:

He, the said ANTON D. ROBINSON aka "YELLOWJACKET", in the County of Kitsap, State of Washington, on or about the 12th day of July, 1997, engaged in sexual intercourse with another person by forcible compulsion when he or an accessory used or threatened to use a deadly weapon, and/or kidnapped the victim, and/or inflicted serious physical injury, and/or feloniously entered the building or vehicle where the victim was situated; separate and distinct from those incidents alleged in Count II; and furthermore, at the time of the commission of the crime, the defendant and/or an accomplice was armed with a firearm; contrary to the Revised Code of Washington 9.94A.125 and 9A.44.040.

(Maximum penalty -- life imprisonment and/or a \$50,000 fine pursuant to RCW 9A.44.040(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(Minimum penalty -- five (5) years imprisonment without availability of furlough, work release, or other leave of absence from confinement during such minimum five (5) year term except for the purpose of

1 commitment to an inpatient treatment facility pursuant to
2 9.94A.120(4).)

3 (Minimum penalty -- if the defendant is found to have been armed with
4 a firearm at the time of the commission of the crime, an additional
5 sixty (60) months is added to the presumptive range of confinement for
6 a first offense and an additional one-hundred-twenty (120) months is
7 added to the presumptive range of confinement if the defendant has
8 previously been sentenced for any deadly weapon enhancements after
9 July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d).)

10 (If the defendant has previously been convicted on two separate
11 occasions of a "most serious offense" as defined by RCW 9.94A.030(23),
12 in this state, in federal court, or elsewhere, the mandatory penalty
13 for this offense is life imprisonment without the possibility of
14 parole pursuant to 9.94A.030(27) and 9.94A.120(4).)

15 II.

16 He, the said ANTON D. ROBINSON aka "YELLOWJACKET", in the County of
17 Kitsap, State of Washington, on or about the 12th through 13th days of
18 July, 1997, engaged in sexual intercourse with another person by
19 forcible compulsion, separate and distinct from that act alleged in
20 Count I; and furthermore, at the time of the commission of the crime,
21 the defendant and/or an accomplice was armed with a firearm; contrary
22 to the Revised Code of Washington 9.94A.125 and 9A.44.050.

23 (Maximum penalty -- life imprisonment and/or a \$50,000 fine pursuant
24 to RCW 9A.44.050(2) and RCW 9A.20.021(1)(a), plus restitution and
25 assessments.)

26 (Minimum penalty -- if the defendant is found to have been armed with
27 a firearm at the time of the commission of the crime, an additional
28 sixty (60) months is added to the presumptive range of confinement for
a first offense and an additional one-hundred-twenty (120) months is
added to the presumptive range of confinement if the defendant has
previously been sentenced for any deadly weapon enhancements after
July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d).)

(If the defendant has previously been convicted on two separate
occasions of a "most serious offense" as defined by RCW 9.94A.030(23),
in this state, in federal court, or elsewhere, the mandatory penalty
for this offense is life imprisonment without the possibility of
parole pursuant to RCW 9.94A.120(4).)

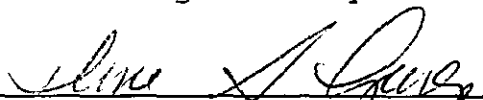
III.

He, the said ANTON D. ROBINSON aka "YELLOWJACKET", in the County of
Kitsap, State of Washington, on or about the 13th day of July, 1997,
with intent to commit the crime of theft thereof, did unlawfully take
personal property that he did not own from the person of LATON LUCAS
or in his presence against his will by the use or threatened use of
immediate force, violence, or fear of injury to said person or his
property or the person or property of another, and in the commission
of said crime or in immediate flight therefrom he was armed with a

1 deadly weapon and/or displayed what appeared to be a firearm or other
2 deadly weapon, and/or was an accomplice to the commission of said
3 crime; and furthermore, at the time of the commission of the crime,
4 the defendant or an accomplice was armed with a firearm; contrary to
5 the Revised Code of Washington 9.94A.125, 9A.56.200(1), 9A.56.190 and
6 RCW 9A.08.020;
7 (Maximum penalty -- life imprisonment and/or a \$50,000 fine pursuant
8 to RCW 9A.56.200(2) and 9A.20.021(1)(a), plus restitution and
9 assessments.)
10 (Minimum penalty -- if the defendant is found to have been armed with
11 a firearm at the time of the commission of the crime, an additional
12 sixty (60) months is added to the presumptive range of confinement for
13 a first offense and an additional one-hundred-twenty (120) months is
14 added to the presumptive range of confinement if the defendant has
15 previously been sentenced for any deadly weapon enhancements after
16 July 23, 1995; pursuant to RCW 9.94A.310(3)(a) and (d).)
17 (If the defendant has previously been convicted on two separate
18 occasions of a "most serious offense" as defined by RCW 9.94A.030(23),
19 in this state, in federal court, or elsewhere, the mandatory penalty
20 for this offense is life imprisonment without the possibility of
21 parole pursuant to RCW 9.94A.120(4).)

22
23 CONTRARY to the form, force and effect of the statute in
24 such cases made and provided, against the peace and dignity of the
25 State of Washington.

26
27 RUSSELL D. HAUGE
28 Prosecuting Attorney



29 IONE S. GEORGE, WSBA 18236
30 Deputy Prosecuting Attorney

31 STATE OF WASHINGTON)
32 : SS
33 County of Kitsap)

34 IONE S. GEORGE, being first duly sworn on oath, deposes and
35 says:

36 That I am a duly qualified, appointed and acting Deputy
37 Prosecuting Attorney for Kitsap County, Washington; that I have read
38

1 the foregoing AMENDED INFORMATION, know the contents thereof and
2 believe the same to be true.

3
4 
IONE S. GEORGE, WSBA 18236
Deputy Prosecuting Attorney

5 M/V Involved: Yes
6 Bail: \$200,000.00
7 UCR Code:
8 Driver Lic. No.:
9 State ID No.:
10 Eyes:
11 Address:

Date of Birth:
Race:
Sex:
Height:
Weight:
Hair:

DEFENDANT: ANTON D. ROBINSON aka "YELLOWJACKET"


CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

11 That IONE S. GEORGE is a Deputy Prosecuting Attorney for Kitsap
12 County and is familiar with the police report(s) and investigation
13 conducted in this matter which contain the following upon which this
14 motion for the determination of probable cause is made:

15 That in support of this amendment to the Information, the State
16 incorporates by reference the Certification for Determination of
17 Probable Cause previously filed in the original Information.

18 I certify and declare under penalty of perjury under the laws of
19 the State of Washington pursuant to RCW 9A.72.085 that the foregoing is
20 true and correct.

21 SIGNED AND DATED this 21st day of October, 1997, in Port Orchard,
22 Washington.

23
24 
IONE S. GEORGE, WSBA 18236
Deputy Prosecuting Attorney

Attachment “F”



Superior Court of Washington
County of Kitsap

FILED
KITSAP COUNTY CLERK

STATE OF WASHINGTON,

Plaintiff,

vs.

ANTON D. ROBINSON

Defendant.

NO. Oct 31, 11:05 AM '97
97-1-10866-7

STATEMENT OF DEFENDANT ON
PLEA OF GUILTY (STTDFG)

1. My true name is: Anton D. Robinson
2. My age is: 17
3. I went through the 10th + grade.
4. **I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:**
 - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is STEVEN L. OLSEN.
 - (b) I am charged with the crime of RAPE 1, RAPE 2, ROBBERY 1.
The elements of this crime are as stated in Amended Information.
5. **I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:**
 - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
 - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
 - (c) The right at trial to hear and question the witnesses who testify against me;
 - (d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
 - (e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
 - (f) The right to appeal a determination of guilt after a trial.
6. **IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:**
 - (a) (i) The crime with which I am charged carries a maximum sentence of life years imprisonment and a \$ 50,000 fine. The standard range is from 146 months to 194 months confinement, based on the prosecuting attorney's understanding of my criminal history. For most serious crime, plus firearm enhancements
 - (ii) This offense is a **most serious offense** as defined by RCW 9.94A.030(21), and if I have at least two prior convictions for **most serious offenses**, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (1) rape

in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (2) murder in the first degree, murder in the second degree, homicide by abuse, kidnaping in the first degree, kidnaping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation, or (3) any attempt to commit any of the crimes listed in this sentence, and I have at least one prior conviction for one of these listed crimes in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole, [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere.
- (i) For crimes committed prior to July 1, 1997, criminal history always includes juvenile convictions for sex offenses and serious violent offenses. Criminal history also includes convictions in juvenile court for other felonies or serious traffic offenses that were committed when I was 15 years of age or older. Juvenile convictions, except those for class A felonies, serious violent offenses or sex offenses, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty.
- (ii) For crimes committed after July 1, 1997, criminal history always includes all juvenile adjudications or convictions.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law. *conviction for pending MM3 doesn't apply*
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$ 500 - as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The judge may also order that I pay a fine, court costs, and attorney fees. Furthermore, the judge may place me on community supervision, community placement, or community custody, impose restrictions on my activities, and order me to perform community service.
- (f) The prosecuting attorney will make the following recommendation to the judge:
standard range
- (g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

- (h) The crime of Rape 1 has a mandatory minimum sentence of at least 5 years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(a)(ii). [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (i) I understand that the offense(s) I am pleading guilty to include a deadly weapon or firearm enhancement. Deadly weapon or firearm enhancements are mandatory, they must be served in total confinement and they must run consecutively to any other sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (j) I am being sentenced for two or more ^{serious} violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts and will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (k) In addition to confinement, the judge will sentence me to community placement for at least 1 year. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (l) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(22). This sentence could include as much as 90 days' confinement plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (m) The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.120(8). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for at the length of the suspended sentence or three years, which ever is greater, I will be ordered to serve up to 180 days of total confinement, I will be ordered to participate in sex offender treatment, and I will be subject to all of the conditions described in paragraph (e). Additionally, the judge could require me to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence. If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (n) The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.120(6). This sentence could include a period of total confinement in a state facility for one-half of the midpoint of the standard range plus all of the conditions described in paragraph (e). During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose one year of community custody that must include appropriate outpatient treatment, a condition not to use illegal controlled substances, and requirement to submit to urinalysis or other testing to monitor that status. Additionally, the judge could require me to devote time to a specific employment or training, to stay out of certain areas, and to pay thirty dollars per month to offset the cost of monitoring. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (o) If I have a driver's license, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

- (p) This plea of guilty will result in the suspension of public assistance. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (q) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (r) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (s) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]
- (t) Because this crime involves a sex offense or a kidnaping offense, I will be required to register with the sheriff of the county of the state of Washington where I reside. I must register immediately upon being sentenced unless I am in custody, in which case I must register within 24 hours of my release.

If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I change my residence within a county, I must send written notice of my change of residence to the sheriff at least 14 days before moving. If I change my residence to a new county within this state, I must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence, I must register with the sheriff of the new county within 24 hours of moving and I must also give written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington state, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom the person last registered in Washington State. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge]

- (u) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license.

7. I plead Guilty to the crime of Rape 1, Rape 2, Robbery as charged in the Amended information. I have received a copy of that information. w/ Firearm enhancements
8. I make this plea freely and voluntarily.
9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement:

Alford Plea

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

Anton Robinson
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

[Signature]
Prosecuting Attorney

[Signature]
Defendant's Lawyer

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☐ (a) The defendant had previously read the entire statement above and that the defendant understood it in full; or
- ☒ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ *(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this 31st day of October, 19 97.

[Signature]
Judge

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this _____ day of _____, 19 _____.

Interpreter

cc: Original - Court File
Yellow - Defendant
Pink - Defense Attorney
Goldenrod - Prosecuting Attorney

Attachment “G”

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

-vs-

ANTON DESHAE ROBINSON a/k/a
"YELLOWJACKET",

Defendant.

NO. 97-1-00661-7

BY LEAH C. LOGAN

DEPUTY

ORDER AMENDING JUDGMENT
AND SENTENCE

THIS MATTER having come before the court pursuant to the State's motion for an order amending the judgment and sentence in order to bring the judgment and sentence into compliance with the Supreme Court's opinion in In re the Post Sentencing Review of Charles, 135 Wn.2d 239, 955 P.2d 798 (1998); the Court having considered the Charles' decision, the records and files in this cause, and the statements of counsel, it is hereby

ORDERED that the judgment and sentence entered on December 17, 1998, is hereby amended as follows:

(1) The firearm enhancement imposed on counts I, II, and III, shall run concurrent to each other but consecutive to the longest standard range; and

(2) The total confinement ordered is now 245 months:

Count I: 185 months + 60 month firearm enhancement (Concurrent with Firearm Enhancement in Counts II & III)

Count II: 126 months + 60 months firearm enhancement (Concurrent with Firearm Enhancement in Counts I & III)

Count III: 89.5 months + 60 months firearm enhancement (Concurrent with Firearm Enhancement in Counts I & II)

DONE IN OPEN COURT this 8th day of June, 1999.

Terry K. McKluskey
JUDGE TERRY K. MCKLUSKEY

PRESENTED BY:

Ione S. George
IONE S. GEORGE, WSBA 18236
Deputy Prosecuting Attorney

APPROVED FOR ENTRY:

Steven L. Olsen
STEVEN L. OLSEN, WSBA 9601
Attorney for Defendant

ORDER AMENDING JUDGMENT AND SENTENCE

Distribution:
Original Court Clerk
1 copy Defense Atty.
1 copy Prosecutor

RUSSELL D. HAUGE
Kitsap County Prosecuting Attorney
614 Division Street MS-35
Port Orchard, WA 98366-4681
(360) 337-7174 Fax (360) 337-4949

ORIGINAL

FILED
AT COUNTY CLERK

OCT 7 4 08 PM '98

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

NO. 97-1-00661-7

-vs-

ANTON DESHAE ROBINSON a/k/a
"YELLOWJACKET",

Defendant.

DEAN LOGAN
BY [Signature] DEPUTY

ORDER AMENDING JUDGMENT
AND SENTENCE

THIS MATTER having come before the court pursuant to the State's motion for an order amending the judgment and sentence in order to bring the judgment and sentence into compliance with the Supreme Court's opinion in In re the Post Sentencing Review of Charles, 135 Wn.2d 239, 955 P.2d 798 (1998); the Court having considered the Charles' decision, the records and files in this cause, and the statements of counsel, it is hereby

ORDERED that the judgment and sentence entered on December 17, 1998, is hereby amended as follows:

(1) The firearm enhancement imposed on counts I, II, and III, shall run concurrent to each other but consecutive to the longest standard range; and

(2) The total confinement ordered is now 245 months:

Count I: 185 months + 60 month firearm enhancement

Count II: 126 months + 60 months firearm enhancement

Count III: 89.5 months + 60 months firearm enhancement

DONE IN OPEN COURT this 7th day of October, 1998.

Terry K. McCluskey
JUDGE TERRY K. McCLUSKEY

PRESENTED BY:

APPROVED FOR ENTRY:

Pamela Beth Loginsky
PAMELA B. LOGINSKY, WSBA 18096
Deputy Prosecuting Attorney

STEVEN L. OLSEN, WSBA 9601
Attorney for Defendant

ORDER AMENDING JUDGMENT AND SENTENCE

Distribution:
Original Court Clerk
1 copy Defense Atty.
1 copy Prosecutor

RUSSELL D. HAUGE
Kitsap County Prosecuting Attorney
614 Division Street MS-35
Port Orchard, WA 98366-4681
(360) 337-7174 Fax (360) 337-4949

53

Attachment “H”

ORIGINAL

FILED
KITSAP COUNTY CLERK
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

Nov 21 10 33 AM '97

STATE OF WASHINGTON,

Plaintiff,

ROBERT FREUDENSTEIN
BY be no DEPUTY

97 1 01131 9

-VS-

ANTON D ROBINSON,

Defendant.

INFORMATION

COMES NOW the Plaintiff, STATE OF WASHINGTON, by and through its attorney of record below-named, and hereby alleges that contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, ANTON D ROBINSON did commit the crime(s) of SECOND DEGREE ASSAULT, as follows:

He, the said ANTON D ROBINSON, in the County of Kitsap, State of Washington, on or about the 1st day of November, 1997, assaulted another, to wit: BRIAN CHRISTENSEN, with a deadly weapon; contrary to the Revised Code of Washington 9A.36.021(1)(c).

(Maximum Penalty -- ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

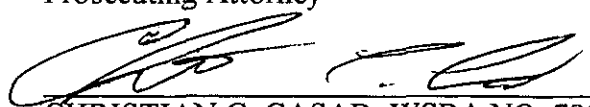
(If the defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(24), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to 9.94A.030(27)(a) and 9.94A.120(4).)

[UCR: 01022]

I certify (or declare) under penalty of perjury under the laws of the State of Washington that I have probable cause to believe that the above-named Defendant committed the above offense(s), and that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: November 21, 1997.

RUSSELL D. HAUGE
Prosecuting Attorney


CHRISTIAN C. CASAD, WSBA NO. 7805
Deputy Prosecuting Attorney

M/V involved: No

D.O.L.:

Race: B

Height: 6-00

Eyes: BRO

Bail: 100,000.00

D.O.B.: 06/20/80

State ID:

Sex: M

Weight: 165

Hair: BLK

Address: 614 DIVISION ST PORT
ORCHARD WA 98366

INFORMATION -- 1

Prosecutor Distribution:
Original+3 copies Clerk or
Original+2 copies Clerk if Amended Info
1 copy Prosecutor
1 copy DOC

RUSSELL D. HAUGE
Kitsap County Prosecuting Attorney
614 Division Street MS-35
Port Orchard, WA 98366-4681
(360) 876-7174 Fax (360) 895-4949

Attachment “I”

1
2
3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
4 IN AND FOR THE COUNTY OF KITSAP
5

6 STATE OF WASHINGTON,

7 Plaintiff,

8 vs.

9 ANTON DESHAE ROBINSON,

10 Defendant.
11

NO. 97-1-01131-9, 97-1-00661-7

DECLARATION OF FRANK A.
MAIOCCO JR., COURT
ADMINISTRATOR, KITSAP COUNTY
SUPERIOR COURT
12

13 **I, Frank A. Maiocco Jr.,** declare as follows:

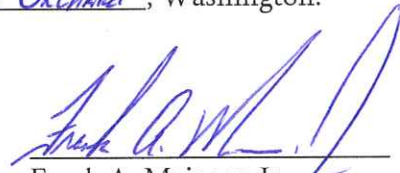
- 14 1. I am the Court Administrator for Kitsap County Superior Court.
- 15 2. On February 23, 2018, the Petitioner's attorney, Corey Evan Parker, requested the
16 transcript of Anton Deshae Robinson's sentencing proceedings held on February 2,
17 1998 related to Case No. 97-1-01131-9 and December 17, 1997 related to Case No.
18 97-1-00661-7.
- 19 3. On March 6, 2018, I informed Mr. Parker that only one of the two former court
20 reporters responded to my inquiry, and she has advised that she is no longer in
21 possession of any back-up notes related to Case No. 97-1-00661-7 given its age and in
22 the context of standard WA disposition and retention schedules.
- 23 4. I also informed Mr. Parker that the other, former court reporter related to the
24 sentencing hearing requested on Case No. 97-1-01131-9 changed careers several
25

1 years' ago, and she has not worked as a court reporter for at least the last 10 years – so,
2 her non-response is not surprising to me.

- 3 5. I have also followed-up with our County Clerk's Office to determine whether the
4 original court reporter notes were filed with them. Unfortunately, no readable or
5 legible court reporter notes are available for this time period.
6
7 6. Based on the aforementioned, there is no possible way that the sentencing transcripts
8 requested related to Case No. 97-1-01131-9 and Case No. 97-1-00661-7 can be
9 obtained and provided to petitioner's counsel or the appellate court. They are no
10 longer available.

11 I declare under penalty of perjury and the laws of the State of Washington that the foregoing is
12 true and correct.
13

14
15 Dated this 21st day of March, 2018 at Port Orchard, Washington.

16
17 
18 Frank A. Maiocco Jr.
19 Court Administrator
20 Kitsap County Superior Court
21
22
23
24
25
26

LAW OFFICE OF COREY EVAN PARKER

April 09, 2018 - 1:48 PM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: Case Initiation
Trial Court Case Title: State Vs Anton Deshae Robinson Aka Yellowjacket
Trial Court Case Number: 97-1-00661-7
Trial Court County: Kitsap Superior Court
Signing Judge:
Judgment Date:

The following documents have been uploaded:

- PRP_Personal_Restraint_Petition_20180409134703D2700854_5417.pdf
This File Contains:
Personal Restraint Petition
The Original File Name was Personal Restraint Petition - Anton Robinson.pdf

A copy of the uploaded files will be sent to:

- kcpa@co.kitsap.wa.us

Comments:

This is for Case No. 97-1-00661-7 AND Case No. 97-1-01131-9 which is reflected on the cover page. Please make sure this gets applied to both superior court case numbers.

Sender Name: Corey Parker - Email: corey@coreyevanparkerlaw.com
Address:
1230 ROSECRANS AVE STE 300
MANHATTAN BEACH, CA, 90266-2494
Phone: 425-221-2195

Note: The Filing Id is 20180409134703D2700854